

Harris County Docket Sheet

**2013-26666**

**COURT:** 215th

**FILED DATE:** 5/3/2013

**CASE TYPE:** OTHER CIVIL



**TEST MASTERS EDUCATIONAL SERVICES INC**

Attorney: KNIGHT, STEVEN JON

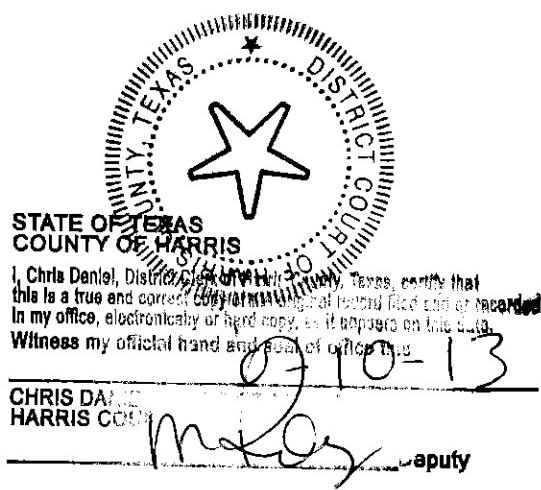
**VS.**

**STATE FARM LLOYDS**

Attorney: MCKINLEY, JOHN MICHAEL

**Docket Sheet Entries**

Date	Comment
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INT+1 JUSTICE INFORMATION MANAGEMENT SYSTEM JUN 10, 2013 (C1)  
CIVIL CASE INTAKE OPT: \_\_\_\_ - INT  
DOCUMENT INQUIRY PAGE: 1 - 1

CASE: 201326666 PJN> \_\_\_\_ TRANS.NUM: \_\_\_\_  
FILED BY: \_\_\_\_ PROSE(Y/N): \_\_\_\_ PUB? \_\_\_\_

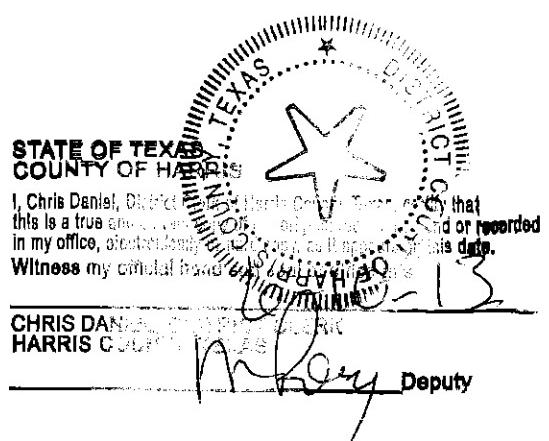
STYLE: TEST MASTERS EDUCATIONAL SERVICES VS STATE FARM LLOYDS  
DOCUMENT ABBV> \_\_\_\_ PERSON NUM: \_\_\_\_

- FDA: 05/14/2013 DOC: ANSWER  
FILING ATTORNEY: 13716300 MCKINLEY, JOHN MICHAEL PRO SE (Y/N): N  
PERSON FILING: STATE FARM LLOYDS PJN: \_\_\_\_ LCDATE: 05/14/2013  
ENTERED BY: CARRILLO, CARLA ELIZABET TRANSACTION NUM: 9571476

- FDA: 05/03/2013 DOC: ORIGINAL PETITION  
FILING ATTORNEY: 24012975 KNIGHT, STEVEN JON PRO SE (Y/N): N  
PERSON FILING: TEST MASTERS EDUCATIONAL SERVICE PJN: \_\_\_\_ LCDATE: 05/03/2013  
ENTERED BY: COBLE, JERRI LI TRANSACTION NUM: 9563797

==> (2) RECORDS FOUND

1=CASE INQ. 2=NAME UPDT 3=DOC. ENTRY 4=PARTY INQ. 5=DETAIL INQ.  
6=SERVICE INQ 7=BACKWARD 8=FORWARD 9=SERV ISS 10=REFRESH 11=HELP



Filed 13 May 3 P4:38  
Chris Daniel - District Clerk  
Harris County  
ED101J017467644  
By: Jerri L. Coble

2013-26666 / Court: 215

CAUSE NO. \_\_\_\_\_

Test Masters Educational Services, Inc.,

IN THE DISTRICT COURT OF

*Plaintiff,*

v.

HARRIS COUNTY, TEXAS

State Farm Lloyds,

*Defendant.*

JUDICIAL DISTRICT

**PLAINTIFF'S ORIGINAL PETITION**

Test Masters Educational Services, Inc. ("TMES") files this Original Petition against State Farm Lloyds ("State Farm") and request the Court to declare that State Farm owes a contractual duty to defend TMES in an underlying lawsuit.

**DISCOVERY CONTROL PLAN**

1. Due to the nature of this dispute, discovery is currently unnecessary. However, to the extent discovery is conducted at all, it should be very narrowly tailored under Level Three in accordance with Rule 190.4 of the Texas Rules of Civil Procedure.

**PARTIES**

2. TMES is a Texas corporation with its principal place of business at 13100 Southwest Freeway, Sugar Land, Texas.

3. State Farm may be served with process by serving a copy of this Petition and Citation to State Farm's registered agent for service of process—Fred J. Marsh at 17301 Preston Road, Dallas, Texas, 75252-5727.

**VENUE**

4. Venue is proper in Harris County, Texas under Section 15.002(a)(1) of the Texas Civil Practice and Remedies Code.

### FACTUAL ALLEGATIONS

5. TMES is in the business of providing professional test preparation services in connection with a variety of standardized exams. TMES purchased a "State Farm Business Liability Insurance Policy" (Policy Number 90-J7-6207) ("Policy"), which was in effect from February 22, 2001 through at least February 22, 2009. TMES diligently paid all premiums when due.

6. Under Section II of the Policy, State Farm contracted that it "will pay those sums that the insured becomes legally obligated to pay as damages because of...personal injury or advertising injury to which this insurance applies."<sup>1</sup> State Farm defined "personal injury" and "advertising injury" as including "oral or written publication of material that...disparages a[n]...organization's goods, products or services." State Farm also defined "advertising injury" as including "misappropriation of advertising ideas or style of doing business," and "infringement of copyright, title or slogan." These definitions were included in the State Farm Policy that incepted in 2001, as well as the successive renewals that were in effect through February 2007. Beginning on February 22, 2007, State Farm modified the definition of "advertising injury" in part. The phrases "misappropriation of advertising ideas or style of doing business" and "infringement of copyright, title or slogan," were replaced with "the use of another's advertising idea in your advertisement" and "infringing upon another's copyright, trade dress or slogan in your advertisement." In each Policy, State Farm contractually agreed that it "will have the ...duty to defend any claim or suit seeking damages payable under this policy even though the allegations of the suit may be groundless, false or fraudulent."

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<sup>1</sup> The Policy states that it applies to, among other things, "personal injury caused by an occurrence committed in the coverage territory during the policy period," and to "advertising injury caused by an occurrence committed in the coverage territory during the policy period."

7. In August 2008, Robin Singh Educational Services, Inc. and Robin Singh (collectively “Singh”), an extremely litigious California-based competitor, asserted claims against TMES in *Test Masters Educational Services, Inc. v. Robin Singh Educational Services, Inc.*, Civil Action No. 4:11-cv-02035 (Consolidated with No. 4:08-cv-01771); United States District Court for the Southern District of Texas, Houston Division (“Underlying Lawsuit”). Among other things, Singh accused TMES of copying Singh’s website and using it in a manner that disparaged Singh’s reputation and goodwill.

8. In accordance with the notice provisions of the Policy, TMES tendered Singh’s counterclaim in the Underlying Lawsuit to State Farm and requested a defense under the Policies. State Farm acknowledged that it would “pay those sums that the insured becomes legally obligated to pay as damages because of...personal injury or advertising injury...” Since the trial court stayed the Underlying Lawsuit pending the outcome of proceedings before the Trademark Trial and Appeal Board (“TTAB”) of the United States Patent & Trademark Office, State Farm assured TMES that “[i]f the stay is lifted, we agree to pay for the defense of the counterclaim only...”

9. When the proceedings before the TTAB concluded, the trial court lifted the stay. Singh filed an amended counterclaim against TMES in which it added a discussion of the TTAB proceedings. When TMES tendered the amended counterclaim to its insurer, State Farm again confirmed that it would defend TMES. Thereafter, State Farm provided a defense for approximately eight months. Then, on February 20, 2012, State Farm suddenly withdrew the defense.

10. Relying on documents extrinsic to Singh’s amended counterclaim, including, in State Farm’s words, Singh’s “answer to the appeal by [TMES] of the TTAB Ruling,” allegations

“in prior litigation between the parties,” and the TTAB’s “opinion,” State Farm claimed that the matter it once deemed to be covered was not. State Farm failed to identify any “new” factual allegations in, or any omission of factual allegations from, the amended counterclaim that could affect its original determination that it owes TMES a defense. State Farm’s letter demonstrates that it changed its coverage decision due to its erroneous interpretation of the TTAB’s ruling or its review of documents extrinsic to the counterclaim, which is a violation of the applicable complaint allegations rule.

**CAUSE OF ACTION**

11. Pursuant to Chapter 37 of the Texas Civil Practice and Remedies Code, TMES requests this Court to declare that Singh’s amended counterclaims trigger State Farm’s duty to defend under the eight-corners rule because it includes allegations that TMES caused personal injury and advertising injury, as State Farm defined those terms in its Policies; that none of the Policies’ exclusions apply; and that State Farm’s proffered explanation for withdrawing its defense is invalid.

**PRAYER**

Test Masters Education Services, Inc. requests this Court to enter a declaratory judgment in its favor pursuant to Chapter 37 of the Texas Civil Practice and Remedies Code, including an award of its costs and attorneys’ fees incurred in bringing this action, as well as any and all other general relief to which it is entitled.

Respectfully submitted

CHAMBERLAIN, HRDLICKA, WHITE  
WILLIAMS & AUGHTRY

By: 

Steven J. Knight  
State Bar No. 24012975  
Kevin D. Jewell  
State Bar No. 00787769  
1200 Smith Street, Ste. 1400  
Houston, Texas 77002  
Telephone: (713) 658-1818  
Facsimile: (713) 658-2553

COUNSEL FOR PLAINTIFF



I, Chris Daniel, District Clerk of Harris County, Texas certify that this is a true and correct copy of the original record filed and or recorded in my office, electronically or hard copy, as it appears on this date.  
Witness my official hand and seal of office  
this June 10, 2013

Certified Document Number: 55557567 Total Pages: 5

Chris Daniel, DISTRICT CLERK  
HARRIS COUNTY, TEXAS

In accordance with Texas Government Code 406.013 electronically transmitted authenticated documents are valid. If there is a question regarding the validity of this document and or seal please e-mail support@hcdistrictclerk.com

7011 7500 0000 3726 4421

CAUSE NO. 201326666

RECEIPT NO. 460010 70.00 CTM  
 05-03-2013 # 72903165

PLAINTIFF: TEST MASTERS EDUCATIONAL SERVICES INC

In The 215th  
 Judicial District Court  
 of Harris County, Texas  
 215TH DISTRICT COURT  
 Houston, TX

vs.  
DEFENDANT: STATE FARM LLOYDS

## CITATION (CERTIFIED)

THE STATE OF TEXAS  
 County of HarrisTO: STATE FARM LLOYDS BY SERVING ITS REGISTERED AGENT FRED J MARSH  
 17301 PRESTON ROAD DALLAS TX 75252

Attached is a copy of PLAINTIFF'S ORIGINAL PETITION

This instrument was filed on the 3rd day of May, 2013 in the above cited cause number  
 and court. The instrument attached describes the claim against you.

YOU HAVE BEEN SUED. You may employ an attorney. If you or your attorney do not file a written answer with the District Clerk who issued this citation by 10:00 a.m. on the Monday next following the expiration of 20 days after you were served this citation and petition, a default judgment may be taken against you.

## TO OFFICER SERVING:

This citation was issued on 6th day of May, 2013, under my hand and seal of said Court.

Issued at request of:  
 KNIGHT, STEVEN JON  
 1200 SMITH SUITE 1400  
 HOUSTON, TX 77002  
 Tel: (713) 654-9603  
 Bar No.: 24012975



CHRIS DANIEL, District Clerk  
 Harris County, Texas  
 201 Caroline Houston, Texas 77002  
 (P.O. Box 4651, Houston, Texas 77210)

GENERATED BY: COBLE, JERRI LI PXB/PXB/9563797

## CLERK'S RETURN BY MAILING

Came to hand the \_\_\_\_\_ day of \_\_\_\_\_, \_\_\_\_\_, and executed by mailing to Defendant certified mail, return receipt requested, restricted delivery, a true copy of this citation together with an attached copy of PLAINTIFF'S ORIGINAL PETITION to the following addresses at address:

## ADDRESS

Service was executed in accordance with Rule 106(a)(2) TRCP, upon the Defendant as evidenced by the return receipt incorporated herein and attached hereto at \_\_\_\_\_

on \_\_\_\_\_ day of \_\_\_\_\_, \_\_\_\_\_  
 by U.S. Postal delivery to \_\_\_\_\_

This citation was not executed for the following reason: \_\_\_\_\_

CHRIS DANIEL, District Clerk  
 HARRIS COUNTY, TEXAS

By \_\_\_\_\_ Deputy

FILED

Chris Daniel  
 District Clerk

MAY 06 2013

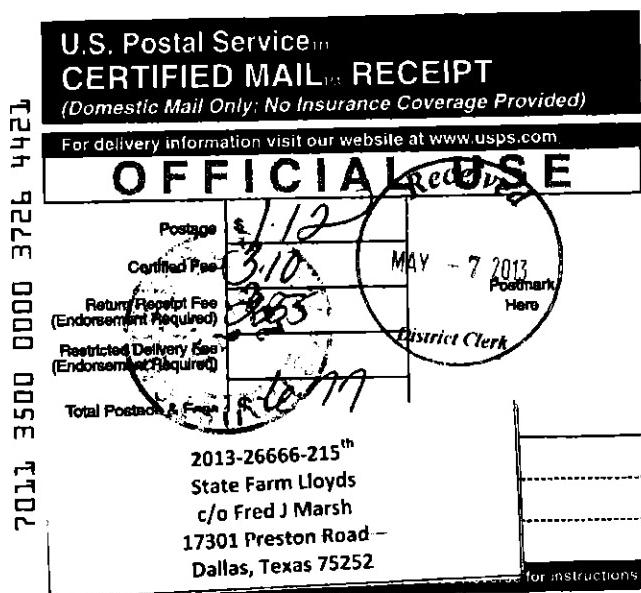


I, Chris Daniel, District Clerk of Harris  
County, Texas certify that this is a true and  
correct copy of the original record filed and or  
recorded in my office, electronically or hard  
copy, as it appears on this date.  
Witness my official hand and seal of office  
this June 10, 2013

Certified Document Number: 55591564 Total Pages: 1

Chris Daniel, DISTRICT CLERK  
HARRIS COUNTY, TEXAS

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RECODER'S MEMORANDUM  
This instrument is of poor quality  
at the time of imaging

FILED  
Chris Daniel  
District Clerk  
MAY 08 2013  
Time: Harris County, Texas  
By Deputy



I, Chris Daniel, District Clerk of Harris County, Texas certify that this is a true and correct copy of the original record filed and or recorded in my office, electronically or hard copy, as it appears on this date.  
Witness my official hand and seal of office  
this June 10, 2013

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Chris Daniel, DISTRICT CLERK  
HARRIS COUNTY, TEXAS

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Filed 13 May 14 P4:24  
Chris Daniel - District Clerk  
Harris County  
ED101J017486144  
By: Carla E. Carrillo

No. 2013-26666

TEST MASTERS EDUCATIONAL SYSTEM, INC.	§	IN THE DISTRICT COURT OF
	§	
	§	
V.	§	HARRIS COUNTY, T E X A S
	§	
STATE FARM LLOYDS	§	215TH JUDICIAL DISTRICT

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### **DEFENDANT'S SPECIAL EXCEPTIONS**

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TO THE HONORABLE COURT:

State Farm Lloyds ("State Farm"), defendant, specially excepts to Plaintiff's Original Petition for its failure to identify the damages at issue, and asks that plaintiff be required to re-plead in order to state the amount of already-incurred legal expense put at issue by, and inherent in, its claim for declaratory relief that defendant owes such legal expense.

#### **THE REQUESTED DECLARATORY RELIEF HAS A PRICE TAG ATTACHED**

1. Plaintiff alleges State Farm withdrew from its defense in the underlying lawsuit on February 20, 2012, says such withdrawal was in error, and seeks a declaratory judgment that State Farm has a duty to defend Test Masters against the amended counterclaim of its opponent, Robin Singh Educational Services, Inc. ("RSES"), in the underlying lawsuit (C.A. 4:11-cv-02035) pending in U.S. District Court for the Southern District of Texas, Houston Division.

2. State Farm is entitled to know, and have plaintiff plead, the amount in controversy in this lawsuit. That includes, at a minimum, the amount of legal expense (billed and work-in-process, paid or unpaid) that has already been incurred by Test Masters since State Farm withdrew from its defense. Knowing the amount in controversy is a fundamental part of any defendant's evaluation of its lawsuit exposure, and it is relevant (indeed, essential) to a decision whether to file a notice of

removal to U.S. District Court. Testmasters cannot thwart a defendant's legitimate exercise of its legal rights by pretending that facts fundamental to a defense and jurisdiction are not in issue.

#### **AMOUNT IN CONTROVERSY IS WELL-KNOWN TO TEST MASTERS**

3. As Test Masters notes, its litigation opponent (RSES) is "an extremely litigious California-based competitor." (Petition, ¶7). A review (on the U.S. District Clerk's PACER system) of filings with the court in the RSES vs. Test Masters lawsuit indicates that it has been very active. (See attached printout of lawsuit activities from PACER). It seems clear a significant sum is put at issue by the declaratory relief sought. That is because declaratory judgment in favor of Test Masters would immediately be followed by an amended pleading asking for an award against State Farm of the legal expense that is the subject of the declaratory relief (all expense incurred by Test Masters in the lawsuit since State Farm withdrew from its defense in February, 2012).

4. Declaratory judgment in favor of Test Masters (that State Farm had and breached a duty to defend) would certainly lead to an amended pleading for a money judgment for Test Masters, which would follow upon proof of its reasonable and necessary legal expense. Test Masters certainly knows, and can easily ask its lawyers to confirm, the amount of legal expense it has incurred in the underlying lawsuit since State Farm ceased paying its legal expense in that lawsuit.

5. There is only one scenario in which the incurred legal expense would be irrelevant. Test Masters would have to be the first successful insured claimant in the history of the courthouse to obtain its requested declaratory relief and then tell the court: "No, this was just a lawsuit about the principle—We're not asking for payment of the legal expense the court has just said State Farm owes." Unless Test Masters says it is engaged in such a pointless exercise (in which event State Farm will accept a stipulation), the legal expense it has incurred in the underlying lawsuit constitutes the

damages put at issue by its declaratory relief claim. It therefore should be pled.

6. Defendant therefore asks that Test Masters be required to allege its existing damages: the amount of *all* legal expense it has incurred in the underlying lawsuit (billed and work-in-process, paid and unpaid) since State Farm withdrew from its defense in that lawsuit.

#### CONCLUSION

State Farm therefore prays that the court sustain these special exceptions ordering that plaintiff re-plead to state the amount of damages (legal expense it has incurred to date in the underlying lawsuit) so that defendant can properly evaluate the lawsuit and its options for a defense.

Respectfully submitted,

RAMEY, CHANDLER, QUINN & ZITO, P.C.

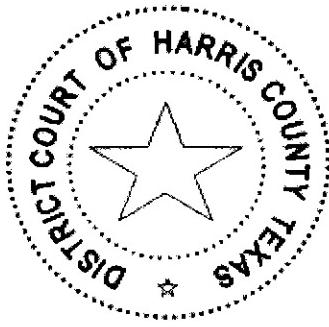
By: /s/ Jack McKinley  
Jack McKinley  
State Bar No. 13716300  
750 Bering Drive, Suite 600  
Houston, Texas 77057  
TEL:(713) 266-0074  
FAX: (713) 266-1064  
ATTORNEYS FOR DEFENDANT

**CERTIFICATE OF SERVICE**

I hereby certify that a true and correct copy of the foregoing Defendant's Special Exceptions has been served upon all counsel of record in accordance with the rules on this the 14<sup>th</sup> day of May, 2013 as follows:

Steven J. Knight  
Kevin D. Jewell  
Chamberlain, Hrdlicka, White, Williams & Aughtry  
1200 Smith Street, Suite 1400  
Houston, Texas 77002

/s/ Jack McKinley  
JACK MCKINLEY



I, Chris Daniel, District Clerk of Harris County, Texas certify that this is a true and correct copy of the original record filed and or recorded in my office, electronically or hard copy, as it appears on this date.  
Witness my official hand and seal of office  
this June 10, 2013

Certified Document Number: 55692112 Total Pages: 4

Chris Daniel, DISTRICT CLERK  
HARRIS COUNTY, TEXAS

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DC CM/ECF LIVE- US District Court-Texas Southern

Page 1 of 21

APPEAL, LEAD

**U.S. District Court  
SOUTHERN DISTRICT OF TEXAS (Houston)  
CIVIL DOCKET FOR CASE #: 4:08-cv-01771**

Test Masters Educational Services, Inc. v. Robin Singh  
Educational Services, Inc. et al  
Assigned to: Judge Nancy F. Atlas  
Member case: ([View Member Case](#))  
Cause: 15:1125 Trademark Infringement (Lanham Act)

Date Filed: 06/02/2008  
Jury Demand: Both  
Nature of Suit: 840 Trademark  
Jurisdiction: Federal Question

**Plaintiff**

**Test Masters Educational Services, Inc.**

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V.

**Defendant**

**Robin Singh Educational Services, Inc.**

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**EXHIBIT "A"**

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**Defendant**

**Robin Singh**

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**Thomas M Norminton**  
(See above for address)  
*LEAD ATTORNEY*  
*ATTORNEY TO BE NOTICED*

**Michael Patrick McShan**  
(See above for address)  
*ATTORNEY TO BE NOTICED*

**Interested Party**

**Dr. Darshan Wadhwa**

represented by **Dawn Shree Holiday**  
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**Gregg S Weinberg**  
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*ATTORNEY TO BE NOTICED*

**Counter Claimant**

**Robin Singh Educational Services, Inc.**

represented by **Daniel J Sheehan , Jr**  
(See above for address)  
*LEAD ATTORNEY*  
*ATTORNEY TO BE NOTICED*

**Hassan Ali Zavareei**  
(See above for address)  
*LEAD ATTORNEY*  
*ATTORNEY TO BE NOTICED*

**Thomas M Norminton**  
(See above for address)  
*LEAD ATTORNEY*  
*ATTORNEY TO BE NOTICED*

**Counter Claimant**

**Robin Singh**

represented by **Hassan Ali Zavareei**  
(See above for address)  
*LEAD ATTORNEY*  
*ATTORNEY TO BE NOTICED*

**Thomas M Norminton**  
(See above for address)  
*LEAD ATTORNEY*  
*ATTORNEY TO BE NOTICED*

**Counter Defendant****Test Masters Educational Services, Inc.**

represented by **Stephen P Meleen**  
 (See above for address)  
*LEAD ATTORNEY*  
*ATTORNEY TO BE NOTICED*

**Kevin Dean Jewell**  
 (See above for address)  
*ATTORNEY TO BE NOTICED*

**Counter Claimant****Robin Singh Educational Services, Inc.**

represented by **Hassan Ali Zavareei**  
 (See above for address)  
*LEAD ATTORNEY*  
*ATTORNEY TO BE NOTICED*

**Thomas M Norminton**  
 (See above for address)  
*LEAD ATTORNEY*  
*ATTORNEY TO BE NOTICED*

V.

**Counter Defendant****Test Masters Educational Services, Inc.**

represented by **Kevin Dean Jewell**  
 (See above for address)  
*LEAD ATTORNEY*  
*ATTORNEY TO BE NOTICED*

**Stephen P Meleen**  
 (See above for address)  
*LEAD ATTORNEY*  
*ATTORNEY TO BE NOTICED*

Date Filed	#	Docket Text
05/08/2013		Notice of Assignment of USCA No. 13-20250 re: <u>194</u> Notice of Appeal, filed. (blacy, ) (Entered: 05/08/2013)
05/06/2013	195	Notice of the Filing of an Appeal. DKT13 transcript order form was mailed to appellant (1 copy needed. Fee status: Paid. The following Notice of Appeal and related motions are pending in the District Court: <u>193</u> MOTION to Alter Judgment, <u>194</u> Notice of Appeal, filed. (Attachments: # <u>1</u> NOA, # <u>2</u> Memorandum, # <u>3</u> Docket sheet, # <u>4</u> DKT13 form)(smurdock, ) (Entered: 05/06/2013)
05/03/2013	<u>194</u>	NOTICE OF APPEAL to US Court of Appeals for the Fifth Circuit re: <u>185</u> Memorandum and Order,,, by Test Masters Educational Services, Inc. (Filing fee \$ 455, receipt number 0541-11372221), filed.(Jewell, Kevin) (Entered: 05/03/2013)
05/03/2013	<u>193</u>	MOTION to Alter Judgment by Test Masters Educational Services, Inc., filed. Motion Docket Date 5/24/2013. (Attachments: # <u>1</u> Proposed Order Proposed Final Judgment)(Jewell, Kevin) (Entered: 05/03/2013)

04/30/2013	<u>192</u>	ORDER The Court has received and reviewed Plaintiffs written status report [Doc. # 191] and Defendants written status report [Doc. # 190]. Plaintiff, while disagreeing with the substance of the Courts Memorandum and Order [Doc. # 185] entered April 5, 2013, states that the Courts decision disposes of all pending claims and counterclaims in this case. Defendants disagree. It is hereby ORDERED that by May 8, 2013, Plaintiff shall file a motion for entry of final judgment, subject to its objection to the substance of the Courts ruling and reserving all rights in connection with the injunction issued by Hon. Vanessa Gilmore. Plaintiff shall include a proposed Final Judgment. It is further ORDERED that Defendants must file any opposition by May 22, 2013. Any opposition must include an explanation, with legal authority, for the position asserted by Defendants that they are entitled, given the record in this case, to pursue infringement and unfair competition claims based on an assertion of more restrictive common law trademark rights in the subject mark only in connection with LSAT preparation courses. The opposition also must include an explanation, with legal authority, for the position asserted by Defendants that their state law claims survive the Courts ruling on summary judgment and should proceed before this Court. It is further ORDERED that Plaintiff shall file any response to Defendants opposition by June 3, 2013. After that date, no further briefing on the issue will be accepted. (Signed by Judge Nancy F. Atlas) Parties notified. (sashabrunner, ) (Entered: 04/30/2013)
04/26/2013	<u>191</u>	STATUS REPORT by Test Masters Educational Services, Inc., filed.(Jewell, Kevin) (Entered: 04/26/2013)
04/26/2013	<u>190</u>	STATUS REPORT by Robin Singh Educational Services, Inc., Robin Singh, filed. (McShan, Michael) (Entered: 04/26/2013)
04/15/2013		***Deadlines terminated. (sashabrunner, ) (Entered: 04/15/2013)
04/15/2013	<u>189</u>	ORDER the status conference on April 23, 2013, at 10 a.m. is CANCELLED. It is further ORDERED that in place of the status conference, the parties must file on or before April 26, 2013, a written status report setting forth which claims, if any, remain for trial.(Signed by Judge Nancy F. Atlas) Parties notified.(sashabrunner, ) (Entered: 04/15/2013)
04/12/2013	<u>188</u>	<i>4-12-13 Letter regarding status conference set on 4-23-12</i> by Robin Singh Educational Services, Inc., Robin Singh, filed. (Attachments: # <u>1</u> Exhibit 1, # <u>2</u> Exhibit 2)(McShan, Michael) (Entered: 04/12/2013)
04/12/2013	<u>187</u>	ORDER GRANTED <u>186</u> Document ( Status Conference set for 4/23/2013 at 10:00 AM in Courtroom 9F before Judge Nancy F. Atlas)(Signed by Judge Nancy F. Atlas) Parties notified.(sashabrunner, ) (Entered: 04/12/2013)
04/11/2013	<u>186</u>	<i>4-11-13 Letter to Judge Atlas regarding status conference set on 4-16-13</i> by Test Masters Educational Services, Inc., filed. (Attachments: # <u>1</u> Unredacted attachment Notice of Setting in D.C. case)(Jewell, Kevin) (Entered: 04/11/2013)
04/05/2013	<u>185</u>	MEMORANDUM AND ORDER the decision of the TTAB is AFFIRMED and TESS applications the subject of Opposition Cases No. 91163136, 91164627, and 91171241, specifically the applications for geographically unrestricted registration of the Mark in connection with all educational services, namely, providing courses of instruction and materials to prepare students to take and achieve higher scores on standardized tests, are DENIED. It is further ORDERED that Defendants Motion for Summary Judgment [Doc. # 156] is GRANTED as to the Mark being descriptive, GRANTED as to the denial of TESSs challenges to the TTAB decision, GRANTED as to TESSs infringement claims relating to conduct in Texas, and GRANTED as to

		TESs infringement claims relating to conduct outside Texas as asserted in this case. It is further ORDERED that TESs Motion to Dismiss Defendants Counterclaims or for Partial Summary Judgment [Doc. # 158] is GRANTED to the extent the Court concludes that Singhs infringement counterclaims are barred by collateral estoppel. It is further ORDERED that counsel and principals shall appear before the Court for a status and scheduling conference at 10:00 a.m. on Tuesday, April 16, 2013.( Status Conference set for 4/16/2013 at 10:00 AM in Courtroom 9F before Judge Nancy F. Atlas)(Signed by Judge Nancy F. Atlas) Parties notified.(sashabrunner, ) (Entered: 04/05/2013)
03/25/2013	<a href="#">184</a>	RESPONSE to <u>179</u> Objections of Defendants, to Plaintiff's Summary Judgment Evidence, filed by Test Masters Educational Services, Inc.. (Attachments: # <u>1</u> Exhibit 1, # <u>2</u> Exhibit 2)(Jewell, Kevin) (Entered: 03/25/2013)
03/13/2013	<a href="#">183</a>	<i>Letter to Court</i> by Test Masters Educational Services, Inc., filed.(Kratovil, Christopher) (Entered: 03/13/2013)
03/13/2013	<a href="#">182</a>	ORDER striking <u>180</u> Motion for Leave to File; striking <u>181</u> Motion for Order to Show Cause.(Signed by Judge Nancy F. Atlas) Parties notified.(sashabrunner, ) (Entered: 03/13/2013)
03/12/2013	<a href="#">181</a>	MOTION for Order to Show Cause by Test Masters Educational Services, Inc., filed. Motion Docket Date 4/2/2013. (Attachments: # <u>1</u> Exhibit 1, # <u>2</u> Exhibit 2, # <u>3</u> Exhibit 3, # <u>4</u> Exhibit 4, # <u>5</u> Exhibit 5, # <u>6</u> Exhibit 6, # <u>7</u> Exhibit 7-A, # <u>8</u> Exhibit 7-B, # <u>9</u> Exhibit 8, # <u>10</u> Exhibit 9, # <u>11</u> Exhibit 10, # <u>12</u> Exhibit 11, # <u>13</u> Exhibit 12, # <u>14</u> Exhibit 13)(Kratovil, Christopher) (Entered: 03/12/2013)
03/12/2013	<a href="#">180</a>	MOTION for Leave to File Under Seal by Test Masters Educational Services, Inc., filed. Motion Docket Date 4/2/2013. (Kratovil, Christopher) (Entered: 03/12/2013)
03/04/2013	<a href="#">179</a>	OBJECTIONS to <u>168</u> Response to Motion,,, filed by Robin Singh Educational Services. Inc.. Robin Singh. (Attachments: # <u>1</u> Exhibit 1, # <u>2</u> Exhibit 2)(McShan, Michael) (Entered: 03/04/2013)
03/04/2013	<a href="#">178</a>	REPLY to <u>158</u> MOTION for Summary Judgment, <u>167</u> Response to Motion,,, filed by Test Masters Educational Services, Inc.. (Attachments: # <u>1</u> Exhibit 22, # <u>2</u> Exhibit 23, # <u>3</u> Exhibit 23-A, # <u>4</u> Exhibit 23-B)(Jewell, Kevin) (Entered: 03/04/2013)
03/04/2013	<a href="#">177</a>	RESPONSE to <u>175</u> Objections, filed by Robin Singh Educational Services, Inc., Robin Singh. (McShan, Michael) (Entered: 03/04/2013)
03/04/2013	<a href="#">176</a>	REPLY in Support of <u>156</u> MOTION for Summary Judgment, filed by Robin Singh Educational Services. Inc., Robin Singh. (Attachments: # <u>1</u> Exhibit I)(McShan, Michael) (Entered: 03/04/2013)
02/18/2013	<a href="#">175</a>	OBJECTIONS to <u>156</u> MOTION for Summary Judgment Evidence, filed by Test Masters Educational Services, Inc.. (Jewell, Kevin) (Entered: 02/18/2013)
02/18/2013	<a href="#">174</a>	Sealed Event, filed. (With attachments) (Entered: 02/18/2013)
02/18/2013	<a href="#">173</a>	Sealed Event, filed. (With attachments) (Entered: 02/18/2013)
02/18/2013	<a href="#">172</a>	EXHIBITS re: <u>168</u> Response to Motion,, <u>169</u> Exhibits,, <u>171</u> Exhibits,, <u>170</u> Exhibits,, by Test Masters Educational Services, Inc., filed. (Attachments: # <u>1</u> S, # <u>2</u> T, # <u>3</u> U, # <u>4</u> U-1, # <u>5</u> U-2, # <u>6</u> U-3, # <u>7</u> U-4, # <u>8</u> U-5, # <u>9</u> U-6, # <u>10</u> U-7, # <u>11</u> U-8, # <u>12</u> U-9, # <u>13</u> U-10, # <u>14</u> V, # <u>15</u> Exhibit W, # <u>16</u> Exhibit X, # <u>17</u> Exhibit Y, # <u>18</u> Exhibit Z, # <u>19</u> Exhibit AA, # <u>20</u> Exhibit BB, # <u>21</u> Exhibit CC, # <u>22</u> Exhibit DD, # <u>23</u> Exhibit EE, # <u>24</u> Exhibit FF)(Jewell, Kevin) (Entered: 02/18/2013)

02/18/2013	<u>171</u>	EXHIBITS re: <u>168</u> Response to Motion,, <u>169</u> Exhibits,, <u>170</u> Exhibits,, by Test Masters Educational Services, Inc., filed. (Attachments: # <u>1</u> Exhibit E-46, # <u>2</u> Exhibit E-47, # <u>3</u> Exhibit E-48, # <u>4</u> Exhibit E-49, # <u>5</u> Exhibit E-50, # <u>6</u> Exhibit E-51, # <u>7</u> Exhibit E-52, # <u>8</u> Exhibit E-53, # <u>9</u> Exhibit E-54, # <u>10</u> Exhibit E-55, # <u>11</u> Exhibit F-1, # <u>12</u> Exhibit F-2, # <u>13</u> Exhibit G, # <u>14</u> Exhibit H, # <u>15</u> Exhibit I, # <u>16</u> Exhibit J, # <u>17</u> Exhibit K, # <u>18</u> Exhibit L-1, # <u>19</u> Exhibit L-2, # <u>20</u> Exhibit M, # <u>21</u> Exhibit N, # <u>22</u> Exhibit O, # <u>23</u> Exhibit P, # <u>24</u> Exhibit Q, # <u>25</u> Exhibit R)(Jewell, Kevin) Modified on 2/19/2013 (smurdock, ). (Entered: 02/18/2013)
02/18/2013	<u>170</u>	EXHIBITS re: <u>168</u> Response to Motion,, <u>169</u> Exhibits,, by Test Masters Educational Services, Inc., filed. (Attachments: # <u>1</u> Exhibit E-23, # <u>2</u> Exhibit E-24, # <u>3</u> Exhibit E-25, # <u>4</u> Exhibit E-26, # <u>5</u> Exhibit E-27, # <u>6</u> Exhibit E-28, # <u>7</u> Exhibit E-29, # <u>8</u> Exhibit E-30, # <u>9</u> Exhibit E-31, # <u>10</u> Exhibit E-32, # <u>11</u> Exhibit E-33, # <u>12</u> Exhibit E-34, # <u>13</u> Exhibit E-35, # <u>14</u> Exhibit E-36, # <u>15</u> Exhibit E-37, # <u>16</u> Exhibit E-38, # <u>17</u> Exhibit E-39, # <u>18</u> Exhibit E-40, # <u>19</u> Exhibit E-41, # <u>20</u> Exhibit E-42, # <u>21</u> Exhibit E-43, # <u>22</u> Exhibit E-44, # <u>23</u> Exhibit E-45)(Jewell, Kevin) (Entered: 02/18/2013)
02/18/2013	<u>169</u>	EXHIBITS re: <u>168</u> Response to Motion,, by Test Masters Educational Services, Inc., filed. (Attachments: # <u>1</u> Exhibit D, # <u>2</u> Exhibit E, # <u>3</u> Exhibit E-1, # <u>4</u> Exhibit E-2, # <u>5</u> Exhibit E-3, # <u>6</u> Exhibit E-4, # <u>7</u> Exhibit E-5, # <u>8</u> Exhibit E-6, # <u>9</u> Exhibit E-7, # <u>10</u> Exhibit E-8, # <u>11</u> Exhibit E-9, # <u>12</u> Exhibit E-10, # <u>13</u> Exhibit E-11, # <u>14</u> Exhibit E-12, # <u>15</u> Exhibit E-13, # <u>16</u> Exhibit E-14, # <u>17</u> Exhibit E-15, # <u>18</u> Exhibit E-16, # <u>19</u> Exhibit E-17, # <u>20</u> Exhibit E-18, # <u>21</u> Exhibit E-19, # <u>22</u> Exhibit E-20, # <u>23</u> Exhibit E-21, # <u>24</u> Exhibit E-22)(Jewell, Kevin) Modified on 2/19/2013 (smurdock, ). (Entered: 02/18/2013)
02/18/2013	<u>168</u>	RESPONSE to <u>156</u> MOTION for Summary Judgment filed by Test Masters Educational Services, Inc.. (Attachments: # <u>1</u> Exhibit A, # <u>2</u> Exhibit B, # <u>3</u> Exhibit C, # <u>4</u> Exhibit C-1, # <u>5</u> Exhibit C-2, # <u>6</u> Exhibit C-3, # <u>7</u> Exhibit C-4, # <u>8</u> Exhibit C-5, # <u>9</u> Exhibit C-6, # <u>10</u> Exhibit C-7, # <u>11</u> Exhibit C-8, # <u>12</u> Exhibit C-9, # <u>13</u> Exhibit C-10, # <u>14</u> Exhibit C-11, # <u>15</u> Exhibit C-12, # <u>16</u> Exhibit C-13, # <u>17</u> Exhibit C-14, # <u>18</u> Exhibit C-15, # <u>19</u> Exhibit C-16, # <u>20</u> Exhibit C-17, # <u>21</u> Exhibit C-18, # <u>22</u> Exhibit C-19, # <u>23</u> Exhibit C-20, # <u>24</u> Exhibit C-21, # <u>25</u> Exhibit C-22)(Jewell, Kevin) (Entered: 02/18/2013)
02/18/2013	<u>167</u>	RESPONSE to <u>158</u> MOTION for Summary Judgment filed by Robin Singh Educational Services, Inc., Robin Singh. (Attachments: # <u>1</u> Appendix, # <u>2</u> Exhibit G, # <u>3</u> Exhibit G-1, # <u>4</u> Exhibit G-2, # <u>5</u> Exhibit G-3, # <u>6</u> Exhibit G-4, # <u>7</u> Exhibit G-5, # <u>8</u> Exhibit G-6, # <u>9</u> Exhibit G-7, # <u>10</u> Exhibit G-8, # <u>11</u> Exhibit G-9, # <u>12</u> Exhibit G-10, # <u>13</u> Exhibit G-11, # <u>14</u> Exhibit G-12, # <u>15</u> Exhibit G-13, # <u>16</u> Exhibit G-14, # <u>17</u> Exhibit H, # <u>18</u> Exhibit H-1, # <u>19</u> Exhibit H-2 (Part 1), # <u>20</u> Exhibit H-2 (Part 2)) (McShan, Michael) (Entered: 02/18/2013)
01/22/2013	<u>166</u>	EXHIBITS re: <u>156</u> MOTION for Summary Judgment by Robin Singh Educational Services, Inc. Robin Singh, filed. 1 CD containing Ex A-11, Ex A-17 and Ex A-23 on file in the Clerk's Office.(glyons) (Entered: 01/23/2013)
01/18/2013	<u>165</u>	EXHIBITS re: <u>156</u> MOTION for Summary Judgment by Robin Singh Educational Services, Inc., Robin Singh, filed. (Attachments: # <u>1</u> Exhibit D-22, # <u>2</u> Exhibit D-23, # <u>3</u> Exhibit D-24, # <u>4</u> Exhibit D-25, # <u>5</u> Exhibit D-26, # <u>6</u> Exhibit D-27, # <u>7</u> Exhibit D-28, # <u>8</u> Exhibit D-29, # <u>9</u> Exhibit D-30, # <u>10</u> Exhibit D-31, # <u>11</u> Exhibit D-32, # <u>12</u> Exhibit D-33, # <u>13</u> Exhibit D-34, # <u>14</u> Exhibit D-35, # <u>15</u> Exhibit E, # <u>16</u> Exhibit F, # <u>17</u> Exhibit F-1)(McShan, Michael) (Entered: 01/18/2013)
01/18/2013	<u>164</u>	EXHIBITS re: <u>156</u> MOTION for Summary Judgment by Robin Singh Educational Services, Inc., Robin Singh, filed. (Attachments: # <u>1</u> Exhibit D-4, # <u>2</u> Exhibit D-5, #

		3 Exhibit D-6, # 4 Exhibit D-7, # 5 Exhibit D-8, # 6 Exhibit D-9, # 7 Exhibit D-10, # 8 Exhibit D-11, # 9 Exhibit D-12, # 10 Exhibit D-13, # 11 Exhibit D-14, # 12 Exhibit D-15, # 13 Exhibit D-16, # 14 Exhibit D-17, # 15 Exhibit D-18, # 16 Exhibit D-19, # 17 Exhibit D-20, # 18 Exhibit D-21)(McShan, Michael) (Entered: 01/18/2013)
01/18/2013	163	EXHIBITS re: 156 MOTION for Summary Judgment by Robin Singh Educational Services, Inc., Robin Singh, filed. (Attachments: # 1 Exhibit A-20, # 2 Exhibit A-21, # 3 Exhibit A-22, # 4 Exhibit A-23, # 5 Exhibit A-24, # 6 Exhibit A-25, # 7 Exhibit B, # 8 Exhibit B-1, # 9 Exhibit B-2, # 10 Exhibit B-3, # 11 Exhibit B-4, # 12 Exhibit C, # 13 Exhibit D, # 14 Exhibit D-1, # 15 Exhibit D-2, # 16 Exhibit D-3)(McShan, Michael) (Entered: 01/18/2013)
01/18/2013	162	EXHIBITS re: 156 MOTION for Summary Judgment by Robin Singh Educational Services, Inc., Robin Singh, filed. (Attachments: # 1 Exhibit A-14 (Part 1), # 2 Exhibit A-14 (Part 2), # 3 Exhibit A-15 (Part 1), # 4 Exhibit A-15 (Part 2), # 5 Exhibit A-16, # 6 Exhibit A-17, # 7 Exhibit A-18 (Part 1), # 8 Exhibit A-18 (Part 2), # 9 Exhibit A-18 (Part 3), # 10 Exhibit A-19 (Part 1), # 11 Exhibit A-19 (Part 2), # 12 Exhibit A-19 (Part 3), # 13 Exhibit A-19 (Part 4), # 14 Exhibit A-19 (Part 5), # 15 Exhibit A-19 (Part 6))(McShan, Michael) (Entered: 01/18/2013)
01/18/2013	161	EXHIBITS re: 156 MOTION for Summary Judgment by Robin Singh Educational Services, Inc., Robin Singh, filed. (Attachments: # 1 Exhibit A-10 (Part 1), # 2 Exhibit A-10 (Part 2), # 3 Exhibit A-10 (Part 3), # 4 Exhibit A-11, # 5 Exhibit A-12, # 6 Exhibit A-13 (Part 1), # 7 Exhibit A-13 (Part 2), # 8 Exhibit A-13 (Part 3), # 9 Exhibit A-13 (Part 4), # 10 Exhibit A-13 (Part 5))(McShan, Michael) (Entered: 01/18/2013)
01/18/2013	160	EXHIBITS re: 156 MOTION for Summary Judgment by Robin Singh Educational Services, Inc., Robin Singh, filed. (Attachments: # 1 Exhibit A-6 (Part 11), # 2 Exhibit A-6 (Part 12), # 3 Exhibit A-6 (Part 13), # 4 Exhibit A-6 (Part 14), # 5 Exhibit A-6 (Part 15), # 6 Exhibit A-6 (Part 16), # 7 Exhibit A-6 (Part 17), # 8 Exhibit A-6 (Part 18), # 9 Exhibit A-6 (Part 19), # 10 Exhibit A-6 (Part 20), # 11 Exhibit A-7, # 12 Exhibit A-8, # 13 Exhibit A-9 (Part 1), # 14 Exhibit A-9 (Part 2), # 15 Exhibit A-9 (Part 3), # 16 Exhibit A-9 (Part 4))(McShan, Michael) (Entered: 01/18/2013)
01/18/2013	159	EXHIBITS re: 156 MOTION for Summary Judgment by Robin Singh Educational Services, Inc., Robin Singh, filed. (Attachments: # 1 Exhibit A-6 (Part 1), # 2 Exhibit A-6 (Part 2), # 3 Exhibit A-6 (Part 3), # 4 Exhibit A-6 (Part 4), # 5 Exhibit A-6 (Part 5), # 6 Exhibit A-6 (Part 6), # 7 Exhibit A-6 (Part 7), # 8 Exhibit A-6 (Part 8), # 9 Exhibit A-6 (Part 9), # 10 Exhibit A-6 (Part 10))(McShan, Michael) (Entered: 01/18/2013)
01/18/2013	158	MOTION for Summary Judgment by Test Masters Educational Services, Inc., filed. Motion Docket Date 2/8/2013. (Attachments: # 1 Exhibit 1, # 2 Exhibit 2, # 3 Exhibit 3, # 4 Exhibit 4, # 5 Exhibit 5, # 6 Exhibit 6, # 7 Exhibit 7, # 8 Exhibit 8, # 9 Exhibit 9, # 10 Exhibit 10, # 11 Exhibit 11, # 12 Exhibit 12, # 13 Exhibit 13, # 14 Exhibit 14, # 15 Exhibit 15, # 16 Exhibit 16, # 17 Exhibit 17, # 18 Exhibit 18, # 19 Exhibit 19, # 20 Exhibit 20, # 21 Exhibit 21)(Jewell, Kevin) (Entered: 01/18/2013)
01/18/2013	157	EXHIBITS re: 156 MOTION for Summary Judgment by Robin Singh Educational Services, Inc., Robin Singh, filed. (Attachments: # 1 Exhibit A, # 2 Exhibit A-1 (Part 1), # 3 Exhibit A-1 (Part 2), # 4 Exhibit A-2 (Part 1), # 5 Exhibit A-2 (Part 2), # 6 Exhibit A-2 (Part 3), # 7 Exhibit A-3 (Part 1), # 8 Exhibit A-3 (Part 2), # 9 Exhibit A-4, # 10 Exhibit A-5)(McShan, Michael) (Entered: 01/18/2013)

01/18/2013	<u>156</u>	MOTION for Summary Judgment by Robin Singh Educational Services, Inc., Robin Singh, filed. Motion Docket Date 2/8/2013. (Attachments: # <u>1</u> Appendix)(McShan, Michael) (Entered: 01/18/2013)
12/12/2012	<u>155</u>	SCHEDULING ORDER. ETT: 10+ days. Jury. Dispositive Motion Filing due by 1/18/2013. Responses due by 2/18/2013. Joint Pretrial Order due by 6/3/2013. Docket Call set for 6/18/2013 at 03:00 PM in Courtroom 9F before Judge Nancy F. Atlas(Signed by Judge Nancy F. Atlas) Parties notified.(sashabanner, ) (Entered: 12/12/2012)
12/10/2012	<u>154</u>	Notice of Filing of Official Transcript as to <u>153</u> Transcript. Party notified, filed. (klinds, ) (Entered: 12/10/2012)
12/08/2012	<u>153</u>	TRANSCRIPT re: Motion Hearing held on December 4, 2012 before Judge Nancy F. Atlas. Court Reporter/Transcriber Judicial Transcribers of Texas, LLC. Release of Transcript Restriction set for 3/8/2013., filed. (mahenry, ) (Entered: 12/08/2012)
12/06/2012	<u>152</u>	AO 435 TRANSCRIPT ORDER FORM by Patrick McShan. This is to order a transcript of Hearing held on 12/4/2012 before Judge Nancy F. Atlas (Original). Transcriber: Judicial Transcribers of Texas, filed. (j dav, ). Daily Order forwarded electronically to Judicial Transcribers of Texas on 12/07/2012. Modified on 12/7/2012 (pcrawford, ). (Entered: 12/06/2012)
12/04/2012	<u>151</u>	MINUTE ENTRY ORDER: Status conference held. Appearances: Michael Patrick McShan, Daniel J Sheehan, Jr, Kevin Dean Jewell, Stephen P Meleen. Ct Reporter: ERO. Parties motions for leave to file motion for summary judgment [Docs. # 146 and # 147] are GRANTED Parties may file summary judgment motions on topics identified on the record in open court. There may be only one motion per side raising all issues, the motions are limited to 35 pages (not including exhibits), and the motions should have one inch margins with a font of 13 in New Times Roman. The Court will allow each side to file a motion, response and a reply. Parties to submit a proposed amended docket control order including the summary judgement briefing schedule, and a new joint pretrial order submission date. The January 10, 2013 docket call and joint pretrial order sumission date is vacated. The parties are ordered to participate in the telpehone deposition of the Blueprint witnesses in California, as scheduled, which deposition may cover only the topics included in an outline TES must provid in advance of the deposition (24 hours), which topics must be consistent with TESs counsels representations at the hearing and the Courts prior rulings. (Signed by Judge Nancy F. Atlas) Parties notified.(sashabanner, ) (Entered: 12/06/2012)
11/29/2012	<u>150</u>	<i>Letter responding to Plaintiff's November 28 letter</i> by Robin Singh Educational Services, Inc., Robin Singh, filed.(McShan, Michael) (Entered: 11/29/2012)
11/28/2012	<u>149</u>	<i>Letter dated 11-28-12 to Judge Atlas, summary response to Singh's Motion for Leave to File Summary Judgment Motions, Dkt 146,</i> by Test Masters Educational Services, Inc., filed.(Jewell, Kevin) (Entered: 11/28/2012)
11/28/2012	<u>148</u>	<i>Letter brief responding to Plaintiff's November 19 letter</i> by Robin Singh Educational Services, Inc., Robin Singh, filed.(McShan, Michael) (Entered: 11/28/2012)
11/19/2012	<u>147</u>	<i>Letter 11-19-12 to Judge Atlas</i> by Test Masters Educational Services, Inc., filed. (Attachments: # <u>1</u> Exhibit 1, # <u>2</u> Exhibit 2, # <u>3</u> Exhibit 3, # <u>4</u> Exhibit 4, # <u>5</u> Exhibit 5, # <u>6</u> Exhibit 6, # <u>7</u> Exhibit 7, # <u>8</u> Exhibit 8, # <u>9</u> Exhibit 9, # <u>10</u> Exhibit 10, # <u>11</u> Exhibit 11)(Jewell, Kevin) (Entered: 11/19/2012)
11/19/2012	<u>146</u>	MOTION for Leave to File Summary Judgment Motions by Robin Singh

		Educational Services, Inc., Robin Singh, filed. Motion Docket Date 12/10/2012. (Attachments: # <u>1</u> Exhibit 1, # <u>2</u> Exhibit 2, # <u>3</u> Exhibit 3, # <u>4</u> Exhibit 4)(McShan, Michael) (Entered: 11/19/2012)
11/01/2012	<u>145</u>	Notice of Filing of Official Transcript as to <u>143</u> Transcript. Party notified, filed. (jdav, ) (Entered: 11/01/2012)
10/31/2012	<u>143</u>	TRANSCRIPT re: DISCOVERY HEARING held on 10/29/12 before Judge Nancy F. Atlas. Court Reporter/Transcriber EXCEPTIONAL REPORTING. Release of Transcript Restriction set for 1/29/2013., filed. (gwintrow, ) (Entered: 10/31/2012)
10/30/2012	<u>142</u>	AO 435 TRANSCRIPT ORDER FORM by Kevin Jewell. This is to order a transcript of Discovery Hearing held on 3/19/2012 before Judge Nancy F. Atlas (Copy Order). Transcriber: Exceptional Reporting Services, filed (jdav, ). Daily Order forwarded electronically to Exceptional Reporting Services on 10/30/2012. Modified on 10/30/2012 (pcrawford, ). (Entered: 10/30/2012)
10/29/2012	<u>144</u>	MINUTE ENTRY ORDER: Discovery held Appearances: Michael Patrick McShan, Daniel J Sheehan, Jr, Kevin Dean Jewell. Ct Reporter: ERO. Discovery conference held on Defendants letter to the Court [Doc. #136] and Plaintiffs letter [Doc. # 140].Rulings as stated on the record in open court(Signed by Judge Nancy F. Atlas) Parties notified.(sashabrunner, ) (Entered: 10/31/2012)
10/29/2012	<u>141</u>	AO 435 TRANSCRIPT ORDER FORM by Patrick McShan. This is to order a transcript of Discovery Hearing held on 10/29/2012 before Judge Nancy F. Atlas (Daily/ASAP). Transcriber: Exceptional Reporting Services, filed (jdav, ). Daily Order forwarded electronically to Exceptional Reporting Services on 10/30/2012. Modified on 10/30/2012 (pcrawford, ). (Entered: 10/30/2012)
10/26/2012	<u>140</u>	<i>Ltr 10-26-12 to Judge Atlas in Response to Singh 10-23-12 Ltr</i> by Test Masters Educational Services, Inc., filed. (Attachments: # <u>1</u> Exhibit 1)(Jewell, Kevin) (Entered: 10/26/2012)
10/25/2012	<u>139</u>	Notice of Filing of Official Transcript as to <u>137</u> Transcript. Party notified, filed. (klinds, ) (Entered: 10/25/2012)
10/24/2012	<u>138</u>	ORDER SETTING DISCOVERY CONFERENCE AND DIRECTIVE TO CONFER Discovery Hearing set for 10/29/2012 at 03:30 PM in Courtroom 9F before Judge Nancy F. Atlas(Signed by Judge Nancy F. Atlas) Parties notified. (sashabrunner, ) (Main Document 138 replaced on 10/25/2012) (sashabrunner, ). (Entered: 10/24/2012)
10/24/2012	<u>137</u>	TRANSCRIPT re: MOTION HEARING held on 10/16/12 before Judge Nancy F. Atlas. Court Reporter/Transcriber EXCEPTIONAL REPORTING. Release of Transcript Restriction set for 1/22/2013., filed. (gwintrow, ) (Entered: 10/24/2012)
10/23/2012	<u>136</u>	<i>Letter Request for Discovery Dispute Determination</i> by Robin Singh Educational Services, Inc., Robin Singh, filed. (Attachments: # <u>1</u> Exhibit A)(McShan, Michael) (Entered: 10/23/2012)
10/21/2012	<u>135</u>	AO 435 TRANSCRIPT ORDER FORM by Patrick McShan. This is to order a transcript of Discovery Conference held on 10/16/2012 before Judge Nancy F. Atlas (Copy). Court Reporter/Transcriber: Exceptional Reporting Services, filed. (amwilliams) Electronically forwarded to Exceptional Reporting Services on 10/23/2012 (amwilliams, ). (Entered: 10/22/2012)
10/17/2012	<u>134</u>	<i>Ltr 9-25-12 to Judge Atlas in Response to Court's instruction at 9-21-12 hearing</i> by

		Test Masters Educational Services, Inc., filed. (Attachments: # 1 Attachment)(Jewell, Kevin) (Entered: 10/17/2012)
10/16/2012	<u>133</u>	MINUTE ENTRY ORDER: Discovery conference held Appearances: Daniel J Sheehan, Jr, Kevin Dean Jewell. Ct Reporter: ERO. Discovery conference held on Defendants letter to the Court [Doc. #130] and Plaintiffs letter [Doc. # 132].Rulings as stated on the record in open court.PARTIES to file Motion for Leave to File Motions by November 19, 2012. Responses due November 28, 2012. A copy of the TTAB ruling, the Fifth Circuit opinion, and any other court or agency ruling discussed in the Motions/Responses must be provided to this Court.Hearing on Motions scheduled for December 4, 2012, at 12:30 p.m. No motions for summary judgment or motions to exclude expert testimony may be filed without leave of court. Dispositive Motion Filing due by 11/19/2012. Responses due by 11/28/2012. Motion Hearing set for 12/4/2012 at 12:30 PM in Courtroom 9F before Judge Nancy F. Atlas(Signed by Judge Nancy F. Atlas) Parties notified.(sashabrunner, ) (Entered: 10/16/2012)
10/15/2012	<u>132</u>	<i>Ltr 10-15-12 to Judge Atlas in response to Singh 10-10-12 Ltr</i> by Test Masters Educational Services, Inc., filed.(Jewell, Kevin) (Entered: 10/15/2012)
10/10/2012	<u>131</u>	ORDER SETTING DISCOVERY CONFERENCE AND DIRECTIVE TO CONFER Setting Hearing on Letter dated October 10, 2012 Discovery Hearing set for 10/16/2012 at 10:00 AM in Courtroom 9F before Judge Nancy F. Atlas(Signed by Judge Nancy F. Atlas) Parties notified.(sashabrunner, ) (Entered: 10/10/2012)
10/10/2012	<u>130</u>	<i>Letter Request for Discovery Dispute Conference</i> by Robin Singh Educational Services, Inc., Robin Singh, filed. (Attachments: # 1 Exhibit A, # 2 Exhibit B) (McShan, Michael) (Entered: 10/10/2012)
10/08/2012	<u>129</u>	AO 435 TRANSCRIPT ORDER FORM by Kevin D. Jewell. This is to order a transcript of Hearing held on 9/21/2012 before Judge Nancy F. Atlas (Copy Order). Transcriber: Exceptional Reporting Services, filed (jdav, ). Expedited Copy Order forwarded electronically to Exceptional Reporting Services on 10/09/2012. Modified on 10/9/2012 (percrawford, ). (Entered: 10/09/2012)
09/26/2012	<u>128</u>	Notice of Filing of Official Transcript as to <u>127</u> Transcript. Party notified, filed. (jdav, ) (Entered: 09/26/2012)
09/25/2012	<u>127</u>	TRANSCRIPT re: DISCOVERY HEARING held on 9/21/12 before Judge Nancy F. Atlas. Court Reporter/Transcriber EXCEPTIONAL REPORTING. Release of Transcript Restriction set for 12/24/2012., filed. (thudson, ) (Entered: 09/25/2012)
09/24/2012	<u>125</u>	AO 435 TRANSCRIPT ORDER FORM by Patrick McShan. This is to order a transcript of Discovery conference held on 9/21/2012 before Judge Nancy F. Atlas. Court Reporter/Transcriber: Exceptional Reporting, filed. (jdav, ) Electronically forwarded to Exceptional Reporting Services on 9/24/2012 (emathis, ). (Entered: 09/24/2012)
09/24/2012	<u>124</u>	Notice of Filing of Official Transcript as to <u>122</u> Transcript, <u>123</u> Transcript. Party notified, filed. (jdav, ) (Entered: 09/24/2012)
09/21/2012	<u>126</u>	MINUTE ENTRY ORDER: Discovery conference held Appearances: Michael Patrick McShan, Kevin Dean Jewell. Ct Reporter: ERO. Discovery conference held on Plaintiff's letter to the Court [Doc. #116] Rulings as stated on the record in open court.(Signed by Judge Nancy F. Atlas) Parties notified.(sashabrunner, ) (Entered: 09/24/2012)
09/21/2012	<u>123</u>	TRANSCRIPT re: DISCOVERY HEARING held on 03-19-12 before Judge Nancy

		F. Atlas. Court Reporter/Transcriber EXCEPTIONAL REPORTING. Release of Transcript Restriction set for 12/20/2012., filed. (esaenz, ) (Entered: 09/21/2012)
09/21/2012	<u>122</u>	TRANSCRIPT re: DE #36, SCHEDULING CONFERENCE held on 07-14-11 before Judge Nancy F. Atlas. Court Reporter/Transcriber EXCEPTIONAL REPORTING. Release of Transcript Restriction set for 12/20/2012., filed. (esaenz, ) (Entered: 09/21/2012)
09/21/2012	<u>121</u>	<i>Plaintiff's Submission For September 21, 2012 Conference</i> by Test Masters Educational Services, Inc., filed.(Jewell, Kevin) (Entered: 09/21/2012)
09/20/2012	<u>120</u>	<i>Submission for 9/21 hearing</i> by Robin Singh Educational Services, Inc., Robin Singh, filed. (Attachments: # <u>1</u> Exhibit Singh's submission for 9/21 hearing) (McShan, Michael) (Entered: 09/20/2012)
09/20/2012	<u>119</u>	ORDER SETTING DISCOCOVERY CONFERENCE AND DIRECTIVE TO CONFER Discovery Hearing set for 9/21/2012 at 01:30 PM in Courtroom 9F before Judge Nancy F. Atlas(Signed by Judge Nancy F. Atlas) Parties notified. (sashabrunner, ) (Entered: 09/20/2012)
09/19/2012	<u>118</u>	AO 435 TRANSCRIPT ORDER FORM by Patrick McShan. This is to order a transcript of Discovery Hearing held on 3/19/2012 before Judge Nancy F. Atlas (Original). Transcriber: Exceptional Reporting Services, filed. (mlothmann). Daily Copy Order forwarded electronically to Exceptional Reporting Services on 9/20/2012. Modified on 9/20/2012 (pcrawford). (Entered: 09/19/2012)
09/19/2012	<u>117</u>	AO 435 TRANSCRIPT ORDER FORM by Patrick McShan. This is to order a transcript of Discovery Hearing held on 7/14/2012 before Judge Nancy F. Atlas (Original). Transcriber: Exceptional Reporting Services, filed. (mlothmann). Per P. McShan, hearing date should have been 7/14/2011. Daily Order forwarded electronically to Exceptional Reporting Services on 9/20/2012. Modified on 9/20/2012 (pcrawford). (Entered: 09/19/2012)
09/19/2012	<u>116</u>	<i>Letter to Judge Atlas 9-19-12 re compliance with Court's discovery orders and completeness of discovery</i> by Test Masters Educational Services, Inc., filed. (Attachments: # <u>1</u> Exhibit A, # <u>2</u> Exhibit B, # <u>3</u> Exhibit C)(Jewell, Kevin) (Entered: 09/19/2012)
08/24/2012	<u>115</u>	Notice of Filing of Official Transcript as to <u>114</u> Transcript. Party notified, filed. (dhansen, ) (Entered: 08/24/2012)
08/23/2012	<u>114</u>	TRANSCRIPT re: MOTION DISCOVERY HEARING held on 08-20-12 before Judge Nancy F. Atlas. Court Reporter/Transcriber EXCEPTIONAL REPORTING. Release of Transcript Restriction set for 11/21/2012., filed. (esaenz, ) (Entered: 08/23/2012)
08/21/2012	<u>113</u>	AO 435 TRANSCRIPT ORDER FORM by Patrick McShan. This is to order a transcript of Discovery held on 8/20/12 before Judge Nancy F. Atlas (First Copy). Court Reporter/Transcriber: Exceptional Reporting, filed. (rosaldana) Electronically forwarded to Exceptional Reporting Services on 8/22/2012 (emathis, ). (Entered: 08/21/2012)
08/20/2012	<u>112</u>	MINUTE ENTRY ORDER: Discovery hearing held Appearances: Michael Patrick McShan, Kevin Dean Jewell. Ct Reporter: ERO. Discovery hearing held on Defendants letter to the Court [Doc. #109] and Plaintiff's letter response [Doc. 111].Rulings as stated on the record in open court.Parts must notify the Court in advance if the parties intend on using the Courts jury room for depositions.(Signed

		by Judge Nancy F. Atlas) Parties notified.(sashabrunner, ) (Entered: 08/21/2012)
08/14/2012	<u>111</u>	<i>Ltr 8-14-12 to Judge Atlas regarding depositions by Test Masters Educational Services, Inc., filed.</i> (Jewell, Kevin) (Entered: 08/14/2012)
08/13/2012	<u>110</u>	ORDER SETTING DISCOVERY CONFERENCE AND DIRECTIVE TO CONFER Setting Hearing on Motion Discovery Hearing set for 8/20/2012 at 11:00 AM in Courtroom 9F before Judge Nancy F. Atlas(Signed by Judge Nancy F. Atlas) Parties notified.(sashabrunner, ) (Entered: 08/13/2012)
08/12/2012	<u>109</u>	<i>Letter Request for Discovery Dispute Conference and Emergency Order</i> by Robin Singh Educational Services, Inc., Robin Singh, filed. (Attachments: # <u>1</u> Exhibit) (McShan, Michael) (Entered: 08/12/2012)
08/03/2012	<u>108</u>	Notice of Filing of Official Transcript as to 107 Transcript. Party notified, filed. (j dav, ) (Entered: 08/03/2012)
08/02/2012	<u>107</u>	TRANSCRIPT re: DISCOVERY HEARING held on 07-24-12 before Judge Nancy F. Atlas. Court Reporter/Transcriber EXCEPTIONAL REPORTING. Release of Transcript Restriction set for 10/31/2012., filed. (esaenz, ) (Entered: 08/02/2012)
08/01/2012	<u>106</u>	ORDER Discovery due by 10/19/2012. Dispositive Motion Filing due by 11/19/2012.(Signed by Judge Nancy F. Atlas) Parties notified.(sashabrunner, ) (Entered: 08/01/2012)
07/31/2012	<u>105</u>	<i>Ltr 7-31-12 to Judge Atlas</i> by Test Masters Educational Services, Inc., filed. (Attachments: # <u>1</u> Proposed Order Revised Docket Control Order)(Jewell, Kevin) (Entered: 07/31/2012)
07/30/2012	<u>104</u>	AO 435 TRANSCRIPT ORDER FORM by M. Patrick McShan. This is to order a transcript of Discovery Hearing held on 7/24/12 before Judge Nancy F. Atlas (Original). Transcriber: Exceptional Reporting Services, filed. (glyons). Expedited Order forwarded electronically to Exceptional Reporting Services on 8/01/2012. Modified on 8/1/2012 (pcrawford, ). (Entered: 07/31/2012)
07/24/2012	<u>103</u>	MINUTE ENTRY ORDER: Discovery held Appearances: Kevin Jewell/David Shank for Plaintiff, Michael McShan for Defendant. Ct Reporter: ERO. Discovery hearing held on Plaintiffs letter to the Court [Doc. # 97] and Defendants letter [Doc. # 102]. Rulings as stated on the record in open court. All scheduling deadlines that have not already expired are extended approximately 60 days as indicated on the record in open court. The parties shall submit by July 31, 2012, an agreed proposed Revised Docket Control Order that comports with this order. (Signed by Judge Nancy F. Atlas) Parties notified.(sashabrunner, ) (Entered: 07/25/2012)
07/20/2012	<u>102</u>	<i>Letter response to Plaintiff's July 11 discovery dispute letter (Doc. 97)</i> by Robin Singh Educational Services, Inc., Robin Singh, filed.(McShan, Michael) (Entered: 07/20/2012)
07/16/2012	<u>101</u>	ORDER GRANTED <u>100</u> Joint MOTION to Reset Discovery Conference ( Discovery Hearing set for 7/24/2012 at 02:30 PM in Courtroom 9F before Judge Nancy F. Atlas)(Signed by Judge Nancy F. Atlas) Parties notified.(sashabrunner, ) (Entered: 07/16/2012)
07/13/2012	<u>100</u>	Joint MOTION to Reset Discovery Conference by Robin Singh Educational Services, Inc., Robin Singh, filed. Motion Docket Date 8/3/2012. (Attachments: # <u>1</u> Proposed Order)(McShan, Michael) (Entered: 07/13/2012)
07/13/2012	<u>99</u>	ORDER SETTING DISCOVERY CONFERENCE AND DIRECTIVE TO

		CONF:R Discovery Hearing set for 7/20/2012 at 11:00 AM in Courtroom 9F before Judge Nancy F. Atlas(Signed by Judge Nancy F. Atlas) Parties notified. (sashabrunner, ) (Entered: 07/13/2012)
07/12/2012	<u>98</u>	Clerks Notice regarding CMECF notice returned undeliverable from normintonlaw@mac.com on the account of Thomas M Norminton. The referenced email address has been deleted from your CM/ECF account, filed. (tferguson, ) (Entered: 07/12/2012)
07/11/2012	<u>97</u>	<i>Ltr 7-11-12 to Judge Atlas requesting conference</i> by Test Masters Educational Services, Inc., filed.(Jewell, Kevin) (Entered: 07/11/2012)
04/26/2012	<u>96</u>	Notice of Filing of Official Transcript as to <u>95</u> Transcript. Party notified, filed. (kraig, ) (Entered: 04/26/2012)
04/25/2012	<u>95</u>	TRANSCRIPT re: #85 - DISCOVERY HEARING held on 4/16/12 before Judge Nancy F. Atlas. Court Reporter/Transcriber EXCEPTIONAL REPORTING. Release of Transcript Restriction set for 7/24/2012., filed. (thudson, ) (Entered: 04/25/2012)
04/18/2012	<u>94</u>	AO 435 TRANSCRIPT ORDER FORM by Dawn Holiday. This is to order a transcript of Hearing held on 4/16/2012 before Judge Nancy F. Atlas (Original). Court Reporter/Transcriber: Exceptional Reporting Services (ERS), filed. Expedited order electronically forwarded to ERS 4/18/2012. (dclark, ) (Entered: 04/18/2012)
04/16/2012	<u>93</u>	MINUTE ENTRY ORDER: Discovery held Appearances: Kevin Jewell for Plaintiff, Michael McShan for Defendant Robin Singh Educational Services, Inc., Dawn Holiday for Dr. Darshal Wadhwa. Ct Reporter: ERO..Discovery hearing held on Defendants letter to the Court [Doc. #84], Defendant Wadhwas Motion for Clarification [Doc. #86], Defendant Robin Singh Educational Services Incs Letter dated April 11, 2012 [Doc. #88], Plaintiffs letter [Doc. 89] and Defendant Robin Singh Educational Services Incs letter [Doc. #90]. Dr. Wadhwa is appointed an expert in this case to provide all reports requested by Defendant (or Plaintiff) derived from the books and records of Plaintiff. Dr. Wadhwa shall keep careful records of all aspects of the work performed sources of information filed on, search definitions and parameters, dates and time spent on each task/report, identity of staff doing the work, etc. Other rulings as stated on the record in open court.Defendant to provide additional information by April 27, 2012.(Signed by Judge Nancy F. Atlas) Parties notified.(sashabrunner, ) (Entered: 04/17/2012)
04/13/2012	<u>92</u>	Notice of Filing of Official Transcript as to <u>91</u> Transcript. Party notified, filed. (kraig, ) (Entered: 04/13/2012)
04/12/2012	<u>91</u>	TRANSCRIPT re: #68-DISCOVERY HEARING held on 2/15/12 before Judge Nancy F. Atlas. Court Reporter/Transcriber EXCEPTIONAL REPORTING. Release of Transcript Restriction set for 7/11/2012., filed. (thudson, ) (Entered: 04/12/2012)
04/12/2012	<u>90</u>	<i>Letter response to Dr. Wadha's Motion for Guidance (Doc. 86)</i> by Robin Singh Educational Services, Inc., Robin Singh, filed. (Attachments: # <u>1</u> Exhibit 1)(McShan, Michael) (Entered: 04/12/2012)
04/12/2012	<u>89</u>	<i>Letter 4-12-12 responding to DOC 84 and DOC 86</i> by Test Masters Educational Services, Inc., filed.(Jewell, Kevin) (Entered: 04/12/2012)
04/11/2012	<u>88</u>	<i>Letter request regarding April 16, 2012 discovery conference</i> by Robin Singh Educational Services, Inc., Robin Singh, filed.(McShan, Michael) (Entered: 04/11/2012)

04/10/2012	<u>87</u>	ORDER.the Court will address Non-Party Dr. Darshan Wadhwas Motion for Guidance and Clarification [Doc. # 86] at the discoveryconference on April 16, 2012. Dr. Wadhwa and a client representative for each partymust attend the conference in person.(Signed by Judge Nancy F. Atlas) Parties notified.(sashabrunner, ) (Entered: 04/10/2012)
04/09/2012	<u>86</u>	MOTION for Clarification as to <u>65</u> Minute Entry Order, by Darshan Wadhwa, filed. Motion Docket Date 4/30/2012. (Attachments: # <u>1</u> Exhibit, # <u>2</u> Exhibit)(Holiday, Dawn) (Entered: 04/09/2012)
04/09/2012	<u>85</u>	ORDER SETTING CONFERENCE AND DIRECTIVE TO CONFER Discovery Hearing set for 4/16/2012 at 10:00 AM in Courtroom 9F before Judge Nancy F. Atlas.(Signed by Judge Nancy F. Atlas) Parties notified.(sashabrunner, ) (Entered: 04/09/2012)
04/05/2012	<u>84</u>	<i>Letter Request for Discovery Conference</i> by Robin Singh Educational Services, Inc., Robin Singh, filed.(McShan, Michael) (Entered: 04/05/2012)
04/05/2012	<u>83</u>	AO 435 TRANSCRIPT ORDER FORM by M Patrick McShan. This is to order a transcript of Hearing held on 2/15/2012 before Judge Nancy F. Atlas (Original). Court Reporter/Transcriber: Exceptional Reporting Services (ERS), filed. Expedited order electronically forwarded to ERS. (dclark, ) (Entered: 04/05/2012)
03/19/2012	<u>82</u>	MINUTE ENTRY ORDER: Discovery held Appearances: Michael Patrick McShan, Kevin Dean Jewell. Ct Reporter: ERO..Rulings as stated on the record in open court. (Signed by Judge Nancy F. Atlas) Parties notified.(sashabrunner, ) (Entered: 03/20/2012)
03/16/2012	<u>81</u>	<i>Letter 3-16-12 requesting additional time to comply with final category of doc. supp. under Court's 2-22-12 Order</i> by Test Masters Educational Services, Inc., filed. (Jewell, Kevin) (Entered: 03/16/2012)
03/15/2012	<u>80</u>	RESPONSE to <u>76</u> Document <i>Singh's March 2, 2012</i> , filed by Test Masters Educational Services, Inc.. (Attachments: # <u>1</u> Exhibit)(Jewell, Kevin) (Entered: 03/15/2012)
03/09/2012	<u>79</u>	ORDER GRANTED <u>78</u> Unopposed MOTION to Reset Discovery Conference ( Discovery Hearing set for 3/19/2012 at 11:00 AM in Courtroom 9F before Judge Nancy F. Atlas).(Signed by Judge Nancy F. Atlas) Parties notified.(sashabrunner, ) (Entered: 03/09/2012)
03/09/2012	<u>78</u>	Unopposed MOTION to Reset Discovery Conference by Robin Singh Educational Services, Inc., Robin Singh, filed. Motion Docket Date 3/30/2012. (Attachments: # <u>1</u> Proposed Order)(McShan, Michael) (Entered: 03/09/2012)
03/05/2012	<u>77</u>	ORDER SETTING DISCOVERY CONFERENCE AND DIRECTIVE TO CONFER Discovery Hearing set for 3/15/2012 at 09:30 AM in Courtroom 9F before Judge Nancy F. Atlas (Signed by Judge Nancy F. Atlas) Parties notified. (sashabrunner, ) (Entered: 03/05/2012)
03/02/2012	<u>76</u>	<i>Letter Request for Discovery Conference and Imposition of Sanctions</i> by Robin Singh Educational Services, Inc., Robin Singh, filed.(McShan, Michael) (Entered: 03/02/2012)
02/28/2012	<u>75</u>	AO 435 TRANSCRIPT ORDER FORM by Michael P McShan. This is to order a transcript of Hearing held on 1/23/2012 before Judge Nancy F. Atlas (Copy). Court Reporter/Transcriber: Digital Scroll Transcription (DST), filed. Daily order

		electronically forwarded to DST 2/28/2012. (dclark, ) (Entered: 02/28/2012)
02/22/2012	<u>74</u>	ORDER.(Signed by Judge Nancy F. Atlas) Parties notified.(sashabrunner, ) (Entered: 02/22/2012)
02/21/2012	<u>73</u>	Joint PROPOSED ORDER re: <u>72</u> Minute Entry Order, filed.(McShan, Michael) (Entered: 02/21/2012)
02/15/2012	<u>72</u>	MINUTE ENTRY ORDER: Discovery held Appearances: Michael Patrick McShan, Kevin Dean Jewell. Ct Reporter: ERO..Discovery rulings as stated on the record in open court.(Signed by Judge Nancy F. Atlas) Parties notified.(sashabrunner, ) (Entered: 02/16/2012)
02/13/2012	<u>71</u>	RESPONSE to <u>67</u> Document <i>Letter of 2-3-12 of Def. Robin Singh Educational Services, Inc.</i> , filed by Test Masters Educational Services, Inc.. (Jewell, Kevin) (Entered: 02/13/2012)
02/09/2012	<u>70</u>	Notice of Filing of Official Transcript as to <u>69</u> Transcript. Party notified, filed. (jdav, ) (Entered: 02/09/2012)
02/08/2012	<u>69</u>	TRANSCRIPT re: Motion Hearing held on 1/23/2012 before Judge Nancy F. Atlas. Court Reporter/Transcriber Digital Scroll Transcription. Release of Transcript Restriction set for 5/8/2012., filed. (lgriffin, ) (Entered: 02/08/2012)
02/03/2012	<u>68</u>	ORDER SETTING DISCOVERY CONFERENCE AND DIRECTIVE TO CONFER. Discovery Hearing set for 2/15/2012 at 10:00 AM in Courtroom 9F before Judge Nancy F. Atlas.(Signed by Judge Nancy F. Atlas) Parties notified. (sashabrunner, ) (Entered: 02/03/2012)
02/03/2012	<u>67</u>	<i>Letter Request for Discovery Dispute Conference</i> by Robin Singh Educational Services, Inc., Robin Singh, filed.(McShan, Michael) (Entered: 02/03/2012)
01/31/2012	<u>66</u>	AO 435 TRANSCRIPT ORDER FORM by Kevin Dean Jewell. This is to order a transcript of Hearing held on 1/23/2012 before Judge Nancy F. Atlas. Court Reporter/Transcriber: ERO, filed. (hler, ) Modified on 2/1/2012 (dclark, ). Expedited order electronically forwarded to Digital Scroll Transcription 2/1/2012. (Entered: 01/31/2012)
01/23/2012	<u>65</u>	MINUTE ENTRY ORDER: Motion hearing held GRANTED in part and DENIED in part <u>62</u> MOTION to Quash Subpoena for Records and Subpoena to Testify at a Deposition. Appearances: Kevin Jewell for Plaintiff, Stephen Mellen/Michael McShan for Defendant Robin Singh, Dawn Holiday for Defendant Dr. Darshan Wadhwa. Ct Reporter: ERO..(Signed by Judge Nancy F. Atlas) Parties notified. (sashabrunner, ) (Entered: 01/24/2012)
01/19/2012	<u>64</u>	<i>Letter regarding Non-Party Darshan Wadhwa's Motion for Protection and Alternative Motion to Quash (Doc. #62)</i> by Robin Singh Educational Services, Inc., Robin Singh, filed.(McShan, Michael) (Entered: 01/19/2012)
01/13/2012	<u>63</u>	ORDER Setting Hearing on Motion and Directive to Confere <u>62</u> MOTION to Quash Subpoena for Records and Subpoena to Testify at a Deposition : Motion Hearing set for 1/23/2012 at 02:30 PM in Courtroom 9F before Judge Nancy F. Atlas.(Signed by Judge Nancy F. Atlas) Parties notified.(sashabrunner, ) (Entered: 01/13/2012)
01/12/2012	<u>62</u>	MOTION to Quash Subpoena for Records and Subpoena to Testify at a Deposition by Darshan Wadhwa, filed. Motion Docket Date 2/2/2012. (Attachments: # <u>1</u> Proposed Order, # <u>2</u> Exhibit)(Weinberg, Gregg) (Entered: 01/12/2012)

01/05/2012	<u>61</u>	ORDER GRANTED <u>60</u> Joint MOTION to Amend <u>42</u> Scheduling Order., ( Discovery due by 8/20/2012., Dispositive Motion Filing due by 9/20/2012., Joint Pretrial Order due by 1/2/2013., Mediation due by 1/10/2013, Docket Call set for 1/10/2013 at 04:00 PM in Courtroom 9F before Judge Nancy F. Atlas).No further extensions will be granted.(Signed by Judge Nancy F. Atlas) Parties notified. (sashabrunner, ) (Entered: 01/05/2012)
01/04/2012	<u>60</u>	Joint MOTION to Amend <u>42</u> Scheduling Order., by Robin Singh Educational Services, Inc., Robin Singh, filed. Motion Docket Date 1/25/2012. (Attachments: # <u>1</u> Proposed Order Granting Motion for Leave to Amend Docket Control Order) (McShan, Michael) (Entered: 01/04/2012)
12/30/2011	<u>59</u>	Notice of Filing of Official Transcript as to <u>58</u> Transcript. Party notified, filed. (dclark, ) (Entered: 12/30/2011)
12/29/2011	<u>58</u>	TRANSCRIPT re: STATUS CONFERENCE held on 12/20/11 before Judge Nancy F. Atlas. Court Reporter/Transcriber EXCEPTIONAL REPORTING. Release of Transcript Restriction set for 3/28/2012., filed. (thudson, ) (Entered: 12/29/2011)
12/22/2011	<u>57</u>	AO 435 TRANSCRIPT ORDER FORM by M. Patrick McShan. This is to order a transcript of Discovery Hearing/ Status Conference held on 12/20/2011 before Judge Nancy F. Atlas (original). Court Reporter/Transcriber: Exceptional Reporing Services, filed. (perawfard, ). Expedited Order forwarded electronically to Exceptional Reporting Services on 12-23-2011. Modified on 12/23/2011 (perawfard, ). (Entered: 12/23/2011)
12/20/2011	<u>56</u>	AGREED PROTECTIVE ORDER.(Signed by Judge Nancy F. Atlas) Parties notified.(arrivera, ) (Entered: 12/21/2011)
12/20/2011	<u>55</u>	MINUTE ENTRY ORDER: Discovery conference held. Rulings as stated on the record in open court. Redaction of personal identifying information required on many documents. Robin Singh Educational Services 12-19-11 letter to be filed under seal. TES may respond in a letter also to be filed under seal. It is ORDERED no party or partys agent may attend opponents training sessions without prior court approval, nor approach third-party witnesses without the witnesss prior approval after discussion with a lawyer of record in this case. Appearances: Michael Patrick McShan, Daniel J Sheehan, Jr, Kevin Dean Jewell. Ct Reporter: ERO..(Signed by Judge Nancy F. Atlas) Parties notified.(arrivera, ) (Entered: 12/21/2011)
12/16/2011	<u>54</u>	RESPONSE of TES to Robin Singh Education Services' 12-9-11 Letter to Judge Atlas. filed by Test Masters Educational Services, Inc.. (Attachments: # <u>1</u> Exhibit, # <u>2</u> Exhibit, # <u>3</u> Exhibit, # <u>4</u> Exhibit, # <u>5</u> Exhibit)(Jewell, Kevin) (Entered: 12/16/2011)
12/09/2011	<u>53</u>	<i>Letter regarding December 20 discovery conference</i> by Robin Singh Educational Services, Inc., Robin Singh, filed. (Attachments: # <u>1</u> Exhibit A, # <u>2</u> Exhibit B) (McShan, Michael) (Entered: 12/09/2011)
12/08/2011	<u>52</u>	NOTICE of Resetting. Parties notified. Status Conference set for 12/20/2011 at 11:00 AM in Courtroom 9F before Judge Nancy F. Atlas, filed. (sashabrunner, ) (Entered: 12/08/2011)
11/29/2011	<u>51</u>	ORDER granting <u>50</u> Motion to Amend.It is therefore ORDERED that the parties Joint Motion for Leave to Amend DocketControl Order is hereby GRANTED;It is FURTHER ORDERED that the new deadline for identification of experts by a reportfor parties without the burden of proof is December 9, 2011;It is FURTHER ORDERED that the new deadline for rebuttal opinions by existingexperts is December 20, 2011.(Signed by Judge Nancy F. Atlas) Parties notified.

		(sashabrunner, ) (Entered: 11/29/2011)
11/29/2011	50	Joint MOTION to Amend 42 Scheduling Order,, by Robin Singh Educational Services, Inc., Robin Singh, filed. Motion Docket Date 12/20/2011. (Attachments: # 1 Proposed Order)(McShan, Michael) (Entered: 11/29/2011)
11/14/2011	49	MINUTE ENTRY ORDER: Discovery held Appearances: Daniel J Sheehan, Jr, Kevin Dean Jewell. Ct Reporter: ERO. Rulings as stated on the record in open Court. Status Conference set for 12/21/2011 at 09:30 AM in Courtroom 9F before Judge Nancy F. Atlas.(Signed by Judge Nancy F. Atlas) Parties notified.(sashabrunner, ) (Entered: 11/15/2011)
11/10/2011	48	REPLY to 47 Order Letter to Court - Plaintiff's Position on the Outstanding Issues, filed by Test Masters Educational Services, Inc.. (Jewell, Kevin) (Entered: 11/10/2011)
11/02/2011	47	ORDER SETTING DISCOVERY CONFERENCE AND DIRECTIVE TO CONFER Discovery Hearing set for 11/14/2011 at 02:00 PM in Courtroom 9F before Judge Nancy F. Atlas.(Signed by Judge Nancy F. Atlas) Parties notified. (sashabrunner, ) (Entered: 11/02/2011)
11/02/2011	46	<i>Letter Request for Discovery Dispute Conference</i> by Robin Singh Educational Services, Inc., Robin Singh, filed. (Attachments: # 1 Exhibit Exhibit "A", # 2 Exhibit Exhibit "B")(Sheehan, Daniel) (Entered: 11/02/2011)
09/20/2011	45	ANSWER to 44 Amended Complaint/Counterclaim/Crossclaim etc. with Jury Demand by Test Masters Educational Services, Inc., filed.(Jewell, Kevin) (Entered: 09/20/2011)
08/26/2011	44	First AMENDED Counterclaim with Jury Demand against Test Masters Educational Services, Inc. filed by Robin Singh Educational Services, Inc..(Sheehan, Daniel) (Entered: 08/26/2011)
07/25/2011	43	ANSWER to 38 Answer to Complaint, Counterclaim with Jury Demand by Test Masters Educational Services, Inc., filed.(Jewell, Kevin) (Entered: 07/25/2011)
07/14/2011	42	SCHEDULING ORDER. ETT: 10 +/- . Jury. Amended Pleadings due by 8/26/2011. Joinder of Parties due by 8/26/2011 Pltf Expert Report due by 10/26/2011 Deft Expert Report due by 11/29/2011 Rebuttal Opinions by Existing Experts due by 12/10/2011. Discovery due by 1/20/2012. Mediation due by 5/31/2012 Dispositive Motion Filing due by 2/20/2012. Non-Dispositive Motion Filing due by 2/20/2012. Joint Pretrial Order due by 5/22/2012. Docket Call set for 5/31/2012 at 04:00 PM in Courtroom 9F before Judge Nancy F. Atlas.(Signed by Judge Nancy F. Atlas) Parties notified.(arrivera, ) (Entered: 07/15/2011)
07/14/2011	41	MINUTE ENTRY ORDER: Scheduling conference held. Docket Control Order to follow. Appearances: Elizabeth Abbott. Appearances: Daniel J Sheehan, Jr, Kevin Dean Jewell, Stephen P Meleen. Ct Reporter: ERO..(Signed by Judge Nancy F. Atlas) Parties notified.(arrivera, ) (Entered: 07/15/2011)
07/07/2011	40	NOTICE of Appearance by Daniel J. Sheehan, Jr. on behalf of Robin Singh Educational Services, Inc., Robin Singh, filed. (Sheehan, Daniel) (Entered: 07/07/2011)
07/01/2011	39	<i>Certificate of Service For Filing of Answer to Plaintiff's Appeal and Complaint for Declaratory Judgment and Counterclaims</i> by Robin Singh Educational Services, Inc., filed.(Zavareci, Hassan) (Entered: 07/01/2011)

07/01/2011	<u>38</u>	ANSWER to Complaint with Jury Demand, COUNTERCLAIM against Test Masters Educational Services, Inc. by Robin Singh Educational Services, Inc., filed. (Zavareei, Hassan) (Entered: 07/01/2011)
06/29/2011	<u>37</u>	ORDER granting <u>31</u> Motion to Consolidate Cases.(Signed by Judge Nancy F. Atlas) Parties notified.(sashabrunner, ) (Entered: 06/29/2011)
06/29/2011	<u>36</u>	ORDER GRANTED <u>32</u> MOTION to Lift Stay The stay of thiscase is lifted and the case is REINSTATED on the Courts active docket.( Scheduling Conference set for 7/14/2011 at 03:00 PM in Courtroom 9F before Judge Nancy F. Atlas), Case reopened on 6/29/2011.(Signed by Judge Nancy F. Atlas) Parties notified. (sashabrunner, ) (Entered: 06/29/2011)
06/28/2011	<u>35</u>	RESPONSE to <u>32</u> MOTION to Lift Stay filed by Test Masters Educational Services, Inc.. (Jewell, Kevin) (Entered: 06/28/2011)
06/28/2011	<u>34</u>	RESPONSE to <u>31</u> MOTION to Consolidate Lead Case No. 4:08-cv-01771 and Member Case No. 4:11-cv-02035 filed by Test Masters Educational Services, Inc.. (Attachments: # <u>1</u> Exhibit 1)(Jewell, Kevin) (Entered: 06/28/2011)
06/28/2011	<u>33</u>	NOTICE of Appearance by Kevin D. Jewell (lead counsel; Charles T. Jeremiah (co-counsel) on behalf of Test Masters Educational Services, Inc., filed. (Jewell, Kevin) (Entered: 06/28/2011)
06/08/2011	<u>32</u>	MOTION to Lift Stay by Robin Singh Educational Services, Inc., Robin Singh, filed. Motion Docket Date 6/29/2011. (Attachments: # <u>1</u> Proposed Order)(Zavareei, Hassan) (Entered: 06/08/2011)
06/08/2011	<u>31</u>	MOTION to Consolidate Lead Case No. 4:08-cv-01771 and Member Case No. 4:11-cv-02035 by Robin Singh Educational Services, Inc., Robin Singh, filed. Motion Docket Date 6/29/2011. (Attachments: # <u>1</u> Proposed Order)(Zavareei, Hassan) (Entered: 06/08/2011)
10/28/2008	<u>30</u>	ORDER granting <u>29</u> Motion to Stay.(Signed by Judge Nancy F. Atlas) Parties notified.(sashabrunner, ) (Entered: 10/28/2008)
10/28/2008	<u>29</u>	MOTION to Stay by Robin Singh Educational Services, Inc., Robin Singh, filed. Motion Docket Date 11/17/2008. (Attachments: # <u>1</u> Exhibit A, # <u>2</u> Exhibit B, # <u>3</u> Proposed Order)(Zavareei, Hassan) (Entered: 10/28/2008)
10/15/2008	<u>28</u>	Notice of Filing of Official Transcript as to <u>27</u> Transcript. Party notified, filed. (delark, ) (Entered: 10/15/2008)
10/14/2008	<u>27</u>	TRANSCRIPT re: Initial Conference held on 09/25/08 before Judge Nancy F. Atlas. Court Reporter/Transcriber Judicial Transcribers of Texas, Inc.. Release of Transcript Restriction set for 1/12/2009., filed. (lvmartin, ) (Entered: 10/14/2008)
09/30/2008	<u>26</u>	ORDER STAYING CASE. Case terminated on 9/30/2008.(Signed by Judge Nancy F. Atlas) Parties notified.(sashabrunner, ) (Entered: 09/30/2008)
09/25/2008	<u>25</u>	MINUTE ENTRY ORDER: Pretrial conference held GRANTED <u>5</u> MOTION to Stay. Appearances: Stephen Meleen for Plaintiff, Hassan Zavareei for Defendant. Ct Reporter: ERO..The case will be administratively closed after confirmation with Judge Gilmore respective to the MDL case.(Signed by Judge Nancy F. Atlas) Parties notified.(sashabrunner, ) (Entered: 09/30/2008)
09/22/2008	<u>24</u>	JOINT DISCOVERY/CASE MANAGEMENT PLAN by Test Masters Educational Services, Inc.. filed.(Meleen, Stephen) (Entered: 09/22/2008)

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09/18/2008	<u>23</u>	NOTICE of Resetting. Parties notified. Initial Conference set for 9/25/2008 at 11:30 AM in Courtroom 9F before Judge Nancy F. Atlas, filed. (sashabrunner, ) (Entered: 09/18/2008)
09/03/2008	<u>22</u>	CERTIFICATE OF INTERESTED PARTIES by Robin Singh Educational Services, Inc., Robin Singh, filed.(Zavareei, Hassan) (Entered: 09/03/2008)
08/29/2008	<u>21</u>	ORDER GRANTED <u>20</u> Unopposed MOTION for Continuance of Initial Pretrial and Scheduling Conference ( Initial Conference set for 9/19/2008 at 09:30 AM in Courtroom 9F before Judge Nancy F. Atlas).Counsel shall be prepared to discuss (1) why this case should not be transferred to the Hon. Vanessa Gilmore as related to In re Testmasters Trademark Litigation, MDI, 04-1646, and (2) why this case is not subject to the Fifth Circuit decision requiring that the issue first be decided by the Trademark Trial and Appeal Board.(Signed by Judge Nancy F. Atlas) Parties notified.(sashabrunner, ) (Entered: 08/29/2008)
08/29/2008	<u>20</u>	Unopposed MOTION for Continuance of Initial Pretrial and Scheduling Conference by Robin Singh Educational Services, Inc., Robin Singh, filed. Motion Docket Date 9/18/2008. (Attachments: # <u>1</u> Proposed Order)(Zavareei, Hassan) (Entered: 08/29/2008)
08/25/2008	<u>19</u>	REPLY to <u>10</u> Answer to Complaint, Counterclaim, filed by Test Masters Educational Services, Inc.. (Meleen, Stephen) (Entered: 08/25/2008)
08/18/2008	<u>18</u>	REPLY in Support of <u>5</u> MOTION to Stay <i>Proceedings</i> , filed by Robin Singh Educational Services, Inc., Robin Singh. (Zavareei, Hassan) (Entered: 08/18/2008)
08/13/2008	<u>17</u>	Third APPENDIX re: <u>13</u> Response in Opposition to Motion by Test Masters Educational Services, Inc., filed.(Meleen, Stephen) (Entered: 08/13/2008)
08/13/2008	<u>16</u>	Second APPENDIX re: <u>13</u> Response in Opposition to Motion by Test Masters Educational Services, Inc., filed.(Meleen, Stephen) (Entered: 08/13/2008)
08/13/2008	<u>15</u>	First APPENDIX re: <u>13</u> Response in Opposition to Motion by Test Masters Educational Services, Inc., filed.(Meleen, Stephen) (Entered: 08/13/2008)
08/13/2008	<u>14</u>	PROPOSED ORDER re: <u>13</u> Response in Opposition to Motion, filed.(Meleen, Stephen) (Entered: 08/13/2008)
08/13/2008	<u>13</u>	RESPONSE in Opposition to <u>5</u> MOTION to Stay <i>Proceedings</i> , filed by Test Masters Educational Services, Inc.. (Meleen, Stephen) (Entered: 08/13/2008)
08/06/2008	<u>12</u>	ORDER granting <u>9</u> Motion to Appear Pro Hac Vice.(Signed by Judge Nancy F. Atlas) Parties notified.(sashabrunner, ) (Entered: 08/06/2008)
08/06/2008	<u>11</u>	ORDER granting <u>8</u> Motion to Appear Pro Hac Vice.(Signed by Judge Nancy F. Atlas) Parties notified.(sashabrunner, ) (Entered: 08/06/2008)
08/04/2008	<u>10</u>	ANSWER to <u>1</u> Complaint with Defendants demand a jury on all claims so triable in this action., COUNTERCLAIM against Test Masters Educational Services, Inc. by Robin Singh Educational Services, Inc.. Robin Singh, filed.(Zavareei, Hassan) (Entered: 08/04/2008)
08/04/2008	<u>9</u>	MOTION for Thomas M. Norminton to Appear Pro Hac Vice by Robin Singh Educational Services, Inc., Robin Singh, filed. Motion Docket Date 8/25/2008. (Zavareei, Hassan) (Entered: 08/04/2008)
08/04/2008	<u>8</u>	MOTION for Hassan A. Zavareei to Appear Pro Hac Vice by Robin Singh

		Educational Services, Inc., Robin Singh, filed. Motion Docket Date 8/25/2008. (Zavareei, Hassan) (Entered: 08/04/2008)
07/30/2008	7	WAIVER OF SERVICE Returned Executed as to Robin Singh Educational Services, Inc. served on 6/5/2008, answer due 8/4/2008, filed.(Meleen, Stephen) (Entered: 07/30/2008)
07/30/2008	6	WAIVER OF SERVICE Returned Executed as to Robin Singh served on 6/5/2008, answer due 8/4/2008, filed.(Meleen, Stephen) (Entered: 07/30/2008)
07/24/2008	5	MOTION to Stay <i>Proceedings</i> by Robin Singh Educational Services, Inc., Robin Singh, filed. Motion Docket Date 8/13/2008. (Attachments: # 1 Affidavit Declaration of Andrea R. Gold in Support of Motion to Stay Proceedings, # 2 Appendix Appendix of Authorities, Submitted in Support of Motion to Stay Proceedings, # 3 Certificate of Conference, # 4 Certificate of Service, # 5 Proposed Order)(Zavareei, Hassan) (Entered: 07/24/2008)
06/05/2008	4	Commissioner of Patents and Trademarks, AO-120, Notified, filed.(smurdock, ) (Entered: 06/05/2008)
06/05/2008	3	ORDER for Initial Pretrial and Scheduling Conference and Order to Disclose Interested Persons. Initial Conference set for 9/5/2008 at 01:30 PM in Courtroom 9F before Judge Nancy F. Atlas.(Signed by Judge Nancy F. Atlas) Parties notified. (smurdock, ) (Entered: 06/05/2008)
06/02/2008	2	CERTIFICATE OF INTERESTED PARTIES by Test Masters Educational Services, Inc., filed.(Meleen, Stephen) (Entered: 06/02/2008)
06/02/2008	1	COMPLAINT against all defendants (Filing fee \$ 350 receipt number 0541000000003836080) filed by Test Masters Educational Services, Inc..(Meleen, Stephen) (Entered: 06/02/2008)

PACER Service Center			
Transaction Receipt			
05/14/2013 13:52:04			
PACER Login:	rc1382	Client Code:	SITFM-J Test Masters
Description:	Docket Report	Search Criteria:	4:08-cv-01771
Billable Pages:	19	Cost:	1.90



I, Chris Daniel, District Clerk of Harris  
County, Texas certify that this is a true and  
correct copy of the original record filed and or  
recorded in my office, electronically or hard  
copy, as it appears on this date.  
Witness my official hand and seal of office  
this June 10, 2013

Certified Document Number: 55692113 Total Pages: 21

Chris Daniel, DISTRICT CLERK  
HARRIS COUNTY, TEXAS

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Chris Daniel - District Clerk  
Harris County  
ED101J017486059  
By: Carla E. Carrillo

No. 2013-26666

TEST MASTERS EDUCATIONAL SYSTEM, INC.	§	IN THE DISTRICT COURT OF
	§	
	§	
V.	§	HARRIS COUNTY, TEXAS
	§	
STATE FARM LLOYDS	§	215TH JUDICIAL DISTRICT

---

### **DEFENDANT'S ORIGINAL ANSWER**

---

TO THE HONORABLE COURT:

State Farm Lloyds, defendant, answers the petition filed against it as follows:

1. Subject to such stipulations and defenses as may later be made, defendant asserts a general denial as is authorized by Rule 92 of the Texas Rules of Civil Procedure, and defendant respectfully requests that plaintiff be required to prove its charges and allegations against defendant by a preponderance of the evidence as is required by the Constitution and laws of the State of Texas.

State Farm Lloyds therefore prays that it be released, discharged and acquitted of the claims asserted against it, that plaintiff take nothing by reason of this suit, and for such other and further relief to which defendant may be justly entitled.

Respectfully submitted,

RAMEY, CHANDLER, QUINN & ZITO, P.C.

By: /s/ Jack McKinley  
Jack McKinley  
State Bar No. 13716300  
750 Bering Drive, Suite 600  
Houston, Texas 77057  
TEL:(713) 266-0074  
FAX: (713) 266-1064  
ATTORNEYS FOR DEFENDANT

**CERTIFICATE OF SERVICE**

I hereby certify that a true and correct copy of the foregoing Defendant's Original Answer has been served upon all counsel of record in accordance with the rules on this the 14<sup>th</sup> day of May, 2013 as follows:

Steven J. Knight  
Kevin D. Jewell  
Chamberlain, Hrdlicka, White, Williams & Aughtry  
1200 Smith Street, Suite 1400  
Houston, Texas 77002

*/s/ Jack McKinley*  
\_\_\_\_\_  
JACK MCKINLEY



I, Chris Daniel, District Clerk of Harris County, Texas certify that this is a true and correct copy of the original record filed and or recorded in my office, electronically or hard copy, as it appears on this date.  
Witness my official hand and seal of office  
this June 10, 2013

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Chris Daniel, DISTRICT CLERK  
HARRIS COUNTY, TEXAS

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Chris Daniel - District Clerk  
Harris County  
ED101J017486059  
By: Carla Carrillo

No. 2013-26666

TEST MASTERS EDUCATIONAL SYSTEM, INC.	§	IN THE DISTRICT COURT OF
V.	§	HARRIS COUNTY, T E X A S
STATE FARM LLOYDS	§	215TH JUDICIAL DISTRICT

---

**DEFENDANT'S JURY DEMAND**

---

TO THE HONORABLE COURT:

State Farm Lloyds, defendant in the above-entitled and numbered cause, and pursuant to Rule 216 of the Tex. R. of Civ. Proc., demands a trial by jury. The jury fee has simultaneously been paid with the filing of this demand..

Respectfully submitted,

RAMEY, CHANDLER, QUINN & ZITO, P.C.

By: /s/ Jack McKinley  
Jack McKinley  
State Bar No. 13716300  
750 Bering Drive, Suite 600  
Houston, Texas 77057  
TEL:(713) 266-0074  
FAX: (713) 266-1064  
ATTORNEYS FOR DEFENDANT

**CERTIFICATE OF SERVICE**

I hereby certify that a true and correct copy of the foregoing Defendant's Jury Demand has been served upon all counsel of record in accordance with the rules on this the 14<sup>th</sup> day of May, 2013 as follows:

Steven J. Knight  
Kevin D. Jewell  
Chamberlain, Hrdlicka, White, Williams & Aughtry  
1200 Smith Street, Suite 1400  
Houston, Texas 77002

/s/ Jack McKinley  
JACK MCKINLEY



I, Chris Daniel, District Clerk of Harris  
County, Texas certify that this is a true and  
correct copy of the original record filed and or  
recorded in my office, electronically or hard  
copy, as it appears on this date.  
Witness my official hand and seal of office  
this June 10, 2013

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HARRIS COUNTY, TEXAS

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*P-2*  
**Elaine H. Palmer**  
215TH DISTRICT COURT OF TEXAS  
CIVIL COURTS BUILDING  
HOUSTON, TEXAS 77002  
(713) 368-6330

05/23/2013

TO ALL COUNSEL OF RECORD:

THE COURT HAS SET A CASE MANAGEMENT CONFERENCE FOR 8:30 A.M. ON MONDAY JUNE 10, 2013 IN THE BELOW CAPTIONED CASE. PLEASE BE PREPARED TO DISCUSS ALL ASPECTS OF THIS CASE AND SET PRETRIAL AND TRIAL DATES.

\*\*AN AGREED SCHEDULING ORDER MAY BE FILED IN LIEU OF APPEARING AT THE CASE MANAGEMENT CONFERENCE.

IF YOU DO NOT APPEAR AND A SCHEDULING ORDER IS NOT FILED, THE COURT WILL SIGN AN ORDER OF DISMISSAL OR OTHER APPROPRIATE ORDER.

IF YOU HAVE ANY QUESTIONS, YOU MAY CONTACT KAREN JONES AT 713-368-6340.

ELAINE H PALMER  
Judge, 215TH DISTRICT COURT

CASE - 201326666      FILED - 20130503      COURT - 215th  
TYPE - OTHER CIVIL  
TEST MASTERS EDUCATI VS STATE FARM LLOYDS

STEVEN JON KNIGHT  
1200 SMITH SUITE 1400  
HOUSTON, TX 77002

24012975

**Elaine H. Palmer**  
215TH DISTRICT COURT OF TEXAS  
CIVIL COURTS BUILDING  
HOUSTON, TEXAS 77002  
(713) 368-6330

05/23/2013



TO ALL COUNSEL OF RECORD:

THE COURT HAS SET A CASE MANAGEMENT CONFERENCE FOR 8:30 A.M. ON MONDAY JUNE 10, 2013 IN THE BELOW CAPTIONED CASE. PLEASE BE PREPARED TO DISCUSS ALL ASPECTS OF THIS CASE AND SET PRETRIAL AND TRIAL DATES.

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IF YOU HAVE ANY QUESTIONS, YOU MAY CONTACT KAREN JONES AT 713-368-6340.

ELAINE H PALMER  
Judge, 215TH DISTRICT COURT

CASE - 201326666      FILED - 20130503      COURT - 215th  
TYPE - OTHER CIVIL  
TEST MASTERS EDUCATI VS STATE FARM LLOYDS

JOHN MICHAEL MCKINLEY  
750 BERING 600  
HOUSTON, TX 77057

13716300



I, Chris Daniel, District Clerk of Harris  
County, Texas certify that this is a true and  
correct copy of the original record filed and or  
recorded in my office, electronically or hard  
copy, as it appears on this date.  
Witness my official hand and seal of office  
this June 10, 2013

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Chris Daniel, DISTRICT CLERK  
HARRIS COUNTY, TEXAS

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